

# EXHIBIT

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IN THE UNITED STATES DISTRICT COURT.  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION  
IN RE: NATIONAL PRESCRIPTION ) MDL No. 2804  
OPIATE LITIGATION )  
)  
)  
THIS DOCUMENT RELATES TO: )  
Track Nine: Tarrant County, ) Case No.: 17-md-2804  
Texas )  
)  
(Case No. 1:18-op-45274-DAP) ) Judge Dan Aaron Polster

-----  
ORAL AND VIDEOTAPED DEPOSITION OF  
FLOYD HECKMAN  
AUGUST 24, 2023  
(REPORTED REMOTELY VIA ZOOM)  
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ORAL AND VIDEOTAPED, VIA ZOOM VIDEOCONFERENCE,  
DEPOSITION OF FLOYD HECKMAN, produced as a witness at  
the instance of the Defendants and duly sworn, was taken  
in the above-styled and numbered cause on Thursday,  
August 24, 2023, from 10:01 a.m. to 1:50 p.m., before Kari  
Behan, CSR, RPR, CRR, a Texas certified machine  
shorthand reporter, with the witness participating  
remotely, Fort Worth, Texas, pursuant to the Federal Rules  
of Civil Procedure and the provisions stated on the record  
herein.  
  
Job No. 6055188

<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFF (REMOTELY):</p> <p>3 ALEX ABSTON, ESQ.</p> <p>- and -</p> <p>4 SADIE TURNER, ESQ.</p> <p>10940 W. Sam Houston Parkway N.</p> <p>5 Suite 100</p> <p>Houston, Texas 77064</p> <p>6 (281) 748-7693</p> <p>alex.abston@lanierlawfirm.com</p> <p>sadie.turner@lanierlawfirm.com</p> <p>7</p> <p>8</p> <p>9 FOR THE DEFENDANTS, THE KROGER CO., KROGER LIMITED</p> <p>PARTNERSHIP I, KROGER LIMITED PARTNERSHIP II, KROGER</p> <p>10 TEXAS LP (REMOTELY):</p> <p>11 GABRIELE WOHL, ESQ.</p> <p>- and -</p> <p>12 TONY RYAN, ESQ.</p> <p>BOWLES RICE LLP</p> <p>13 Granville Square</p> <p>Suite 400</p> <p>14 Morgantown, West Virginia 26501</p> <p>(304) 285-2500</p> <p>15 gwohl@bowlesrice.com</p> <p>tryan@bowlesrice.com</p> <p>16</p> <p>17</p> <p>18 FOR THE DEFENDANT, ALBERTSONS (REMOTELY):</p> <p>19 ALLISON STEWART, ESQ.</p> <p>GREENBERG TRAURIG, LLP</p> <p>2200 Ross Avenue</p> <p>20 Suite 5200</p> <p>Dallas, Texas 75201</p> <p>21 (214) 665-3641</p> <p>allison.stewart@gtlaw.com</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p>	<p>1 ---</p> <p>2 INDEX</p> <p>3 ---</p> <p>4</p> <p>5 EXAMINATION OF FLOYD HECKMAN PAGE</p> <p>6</p> <p>7 BY MS. WOHL..... 8</p> <p>8 CHANGES AND SIGNATURE.....137</p> <p>9 REPORTER'S CERTIFICATION.....139</p> <p>10 * * *</p> <p>11 EXHIBITS</p> <p>12 EXHIBITS DESCRIPTION PAGE</p> <p>13 Exhibit 1 Sheriff's Office - Training 47</p> <p>Academy Current Chart</p> <p>14</p> <p>15 Exhibit 2 E-mail, Subject: RE: Follow 49</p> <p>up, TARRANT_00862033,</p> <p>Confidential</p> <p>16</p> <p>17 Exhibit 3 E-mail, Subject: FW: Ohio cops 54</p> <p>eye possible fentanyl after 17</p> <p>overdoses in 1 day,</p> <p>18 TARRANT_00862326, Confidential</p> <p>19 Exhibit 4 E-mail, Subject: RE: Overdose 59</p> <p>Inquiry, TARRANT_00706265</p> <p>through 00706267, Confidential</p> <p>20 Exhibit 5 E-mail, Subject: RE: Overdose 63</p> <p>Inquiry, TARRANT_00706306</p> <p>through 00706309, Confidential</p> <p>21 Exhibit 6 E-mail, Subject: CNET 66</p> <p>Projections,</p> <p>22 TARRANT_00706310 and 00706311,</p> <p>Confidential</p> <p>23</p> <p>24 Exhibit 7 E-mail, Subject: RE: Opiate 70</p> <p>Overdose Data,</p> <p>TARRANT_00706312 and 00706313,</p> <p>25 Confidential</p>	<p>Page 4</p>
<p>1 APPEARANCES (CONTINUED):</p> <p>2 ALSO PRESENT:</p> <p>3 Craig M. Price, Esq.</p> <p>Tarrant County District Attorney's Office</p> <p>4</p> <p>Kenny Parker, Videographer</p> <p>5 Veritext Legal Solutions</p> <p>6 Gregg Holderman, Concierge/Technician</p> <p>Veritext Legal Solutions</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p>	<p>1 EXHIBITS (CONTINUED):</p> <p>2 Exhibit 8 E-mail, Subject: RE: Opiate OD 80</p> <p>Data, TARRANT_00683034 and</p> <p>3 TARRANT_00683035, Confidential</p> <p>4 Exhibit 9 E-mail, Subject: Fwd: RE: 83</p> <p>Opiate Overdose Data,</p> <p>5 TARRANT_00706329 and</p> <p>00706330, Confidential</p> <p>6</p> <p>7 Exhibit 10 E-mail, Subject: Re: Re: 89</p> <p>Opiate/Heroin Overdose Data,</p> <p>8 TARRANT_00833329 and</p> <p>00833330, Confidential</p> <p>9 Exhibit 11 Article entitled: The Opioid 92</p> <p>Epidemic in North Texas,</p> <p>10 TARRANT_00833331 through</p> <p>00833382, Confidential</p> <p>11</p> <p>12 Exhibit 12 E-mail, Subject: RE: Overdose 94</p> <p>Statistics, TARRANT_00684006</p> <p>and 00684007, Confidential</p> <p>13</p> <p>14 Exhibit 13 E-mail, Subject: RE: Narcan, 97</p> <p>TARRANT_00706323 and</p> <p>00706324, Confidential</p> <p>15</p> <p>16 Exhibit 14 E-mail, Subject: FW: Narcan 100</p> <p>Drug Authorization for Tarrant</p> <p>County Sheriff's Office,</p> <p>17 TARRANT_00684261 through</p> <p>00684263, Confidential</p> <p>18</p> <p>19 Exhibit 15 E-mail, Subject: RE: Opioid 105</p> <p>Drugs and Naloxone,</p> <p>20 TARRANT_00690608 through</p> <p>00690610, Confidential</p> <p>21 Exhibit 16 E-mail, Subject: RE: RE: 108</p> <p>RE:Narcan Policy for Sheriff's</p> <p>22 Office, TARRANT_00683007</p> <p>through 00683010, Confidential</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 5</p>

<p style="text-align: right;">Page 6</p> <p>1 EXHIBITS (CONTINUED):</p> <p>2 Exhibit 17 E-mail, Subject: FW: Rough 110 draft of proposed TCSO Policy 3 regarding Naloxone (Narcan), TARRANT_00854759, Confidential</p> <p>4 Exhibit 18 Tarrant County Sheriff's 111 5 Office, Standard Operating Procedures, Section Number: 6 3625, TARRANT_00854760 through 00854762, Confidential</p> <p>7 Exhibit 19 E-mail, Subject: Narcan Policy 113 8 for Sheriff's Office, TARRANT_00854797, Confidential</p> <p>9 Exhibit 20 Tarrant County Sheriff's 114 10 Office, Standard Operating Procedures, Section Number: 11 3625, TARRANT_0854798 and 0854799, Confidential</p> <p>12 Exhibit 21 E-mail, Subject: FW: Narcan, 115 13 TARRANT_00854909, Confidential</p> <p>14 Exhibit 22 Purchase Order, 117 TARRANT_00854910, Confidential</p> <p>15 Exhibit 23 Service Requisition, 118 TARRANT_0085491, Confidential</p> <p>16 Exhibit 24 E-mail, Subject: FW: Narcan 120 Nasal Spray, TARRANT_00832591, Confidential</p> <p>17 Exhibit 25 E-mail, Subject: FW: Narcan 122 18 for Law Enforcement, TARRANT_00706190 and 00706192, 19 Confidential</p> <p>20 Exhibit 26 E-mail, Subject: RE: Opioid 123 21 Epidemic, TARRANT_00893307 and 00893308, Confidential</p> <p>22 Exhibit 27 Service Requisition, 126 23 TARRANT_00893309, Confidential</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 8</p> <p>1 of Kroger.</p> <p>2 THE VIDEOGRAPHER: Thank you.</p> <p>3 Madam Court Reporter, you may proceed.</p> <p>4 THE COURT REPORTER: Mr. Heckman, would you</p> <p>5 please raise your right hand.</p> <p>6 THE WITNESS: (Complied.)</p> <p>7 THE COURT REPORTER: Do you solemnly swear</p> <p>8 the testimony you're about to give will be the truth, the</p> <p>9 whole truth, and nothing but the truth, so help you God?</p> <p>10 THE WITNESS: I do.</p> <p>11 THE COURT REPORTER: Thank you.</p> <p>12 FLOYD HECKMAN,</p> <p>13 after having been first duly sworn by the above-mentioned</p> <p>14 Certified Court Reporter, was examined and testified as</p> <p>15 follows:</p> <p>16 EXAMINATION</p> <p>17 BY MS. WOHL:</p> <p>18 Q. Good morning, Captain Heckman. How are you?</p> <p>19 A. Good morning. I'm fine.</p> <p>20 Q. My name is Gabriele Wohl; I go by Gabe. And I'm</p> <p>21 here today representing Kroger. I just want to note on</p> <p>22 the record at the outset that I received your personnel</p> <p>23 file this morning. It was a couple hundred pages. I</p> <p>24 didn't get a chance to read it. I am sure there is</p> <p>25 nothing shocking in there, but I will review it later, and</p>
<p style="text-align: right;">Page 7</p> <p>1 PROCEEDINGS:</p> <p>2 (Thursday, August 24th, 2023, 10:01 a.m.)</p> <p>3 THE VIDEOGRAPHER: Good morning. Today is</p> <p>4 Thursday, August the 24th, 2023. We are on the record at</p> <p>5 10:01 a.m. This is the video-recorded deposition of</p> <p>6 Floyd Heckman in the matter of In Re: National</p> <p>7 Prescription Opiate Litigation in the United States</p> <p>8 District Court, Northern District of Ohio, Eastern</p> <p>9 Division.</p> <p>10 My name is Kenny Parker; I'm a certified</p> <p>11 legal video specialist here on behalf of Veritext Legal</p> <p>12 Solutions. The court reporter is Kari Behan also present</p> <p>13 on behalf of Veritext.</p> <p>14 At this time, would all counsel please</p> <p>15 identify themselves and their firm affiliation for the</p> <p>16 record.</p> <p>17 MS. WOHL: Hi, this is Gabe Wohl from Bowles</p> <p>18 Rice on behalf of Kroger.</p> <p>19 MS. STEWART: This is Allison Stewart from</p> <p>20 Greenberg Traurig on behalf of the Albertsons defendants.</p> <p>21 MS. ABSTON: And I'm Alex Abston from the</p> <p>22 Lanier Law Firm on behalf of Tarrant County, the</p> <p>23 plaintiffs, and we have Sadie Turner on as well.</p> <p>24 MR. PRICE: Craig Price, Tarrant County.</p> <p>25 MR. RYAN: Tony Ryan, Bowles Rice, on behalf</p>	<p style="text-align: right;">Page 9</p> <p>1 if there's something in there that we need to ask you</p> <p>2 about, we may have to open this back up.</p> <p>3 But let me start with my questions. First</p> <p>4 of all, formalities, it is Captain, right?</p> <p>5 A. Yes. Yes, my current rank.</p> <p>6 Q. Make sure I'm getting that right.</p> <p>7 Could you please state your full name for</p> <p>8 the record?</p> <p>9 A. Yeah, Floyd Heckman, Jr.</p> <p>10 Q. And are you represented by counsel today?</p> <p>11 A. Yes.</p> <p>12 Q. And who would that be?</p> <p>13 A. I have Craig Price here, and then, I guess</p> <p>14 Sadie's on the line, and Alex.</p> <p>15 Q. And is that counsel provided to you by Tarrant</p> <p>16 County as an employee of Tarrant County?</p> <p>17 A. Yes.</p> <p>18 Q. And where are you located at this time?</p> <p>19 A. I am in the Tim Curry Justice Center in</p> <p>20 Fort Worth, Texas.</p> <p>21 Q. Other than your attorney, Craig Price, is there</p> <p>22 anyone else in the room with you?</p> <p>23 A. No.</p> <p>24 Q. Have you ever been deposed before?</p> <p>25 A. No.</p>



<p style="text-align: right;">Page 10</p> <p>1 Q. Well, let me give you some ground rules about 2 depositions that I'm sure you've already heard. But on 3 the record, let me let you know that it's a fact-finding 4 deposition. It's not an inquisition. I want to get 5 whatever information you might be able to provide 6 concerning this litigation. 7 And you understand that you're under oath to 8 speak the truth, and that's the -- the oath is the same as 9 if you were in a courtroom. Do you agree with that? 10 A. Yes. 11 Q. And if I ask a question that is unclear to you or 12 you don't understand, please say so, and I will attempt to 13 rephrase. And we want to make sure that we understand 14 each other; otherwise, I'll presume that you understand my 15 question and are providing a full and truthful response, 16 okay? 17 A. I understand. 18 Q. And we've got a stenographer with us today, who 19 is recording everything we say into written form, and it 20 would make it more difficult for the stenographer if we're 21 talking at the same time or interrupting each other. So 22 we'll both do our best to take turns and listen and make 23 sure we're -- we're finishing up before the other person 24 starts, which sometimes makes for an awkward conversation 25 but can help at the end when we're reviewing transcripts,</p>	<p style="text-align: right;">Page 12</p> <p>1 A. No. 2 Q. Do you have an understanding of the claims that 3 Tarrant County is making against Kroger and Albertsons in 4 their lawsuit? 5 A. I know there -- I've been told there is a 6 lawsuit; I don't know details about it. 7 Q. And have you read the legal complaint in this 8 litigation? 9 A. I have not. 10 Q. When did you first learn of this litigation? 11 A. I don't know the exact date. I was -- I heard 12 about it from a previous -- my previous narcotic 13 commander, that it -- it -- that there might be a 14 litigation forthcoming, but I was not given any details. 15 And I have -- and then, I guess, fairly recently, I was 16 told that this was going to have to take place, the 17 deposition, and that I would -- was being asked to 18 participate in this. 19 Q. And when you heard that there may be litigation 20 from your former narcotics commander, do you know about 21 when that was? 22 A. I -- I -- I don't. It -- it might have been 23 around 2018 maybe. 24 Q. And can you tell me who that was? 25 A. Calvin Bond.</p>
<p style="text-align: right;">Page 11</p> <p>1 okay? 2 A. Yes. 3 Q. Likewise, only verbal responses can be recorded, 4 so we'll make sure to answer verbally as opposed to with 5 nodding or hand gestures or jumping out of our seats. 6 A. Understood. 7 Q. And at times, your attorney may lodge an 8 objection, like "object to form," and this is some 9 legalese between lawyers. It's kind of a placeholder, and 10 you can still proceed to answer the question unless you're 11 directed by your counsel to not answer. Is that okay? 12 A. Yes. 13 Q. I try to take hourly breaks around the hour. If 14 you need a break at a time when I'm not suggesting one, 15 please feel free to do so. All I ask is that, if there's 16 a question pending, you answer it first. 17 A. Understood. 18 Q. Do you have any questions regarding the 19 deposition instructions? 20 A. I do not. 21 Q. Great. 22 Are you currently taking any medications or 23 dealing with any other medical condition that could impair 24 your ability for recollection or your ability to 25 understand questions and answer truthfully?</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. So I will represent to you that Tarrant County 2 has sued Kroger and Albertsons alleging the pharmacies in 3 their grocery stores contributed to an opioid epidemic 4 causing the County to lose money through various 5 resources. 6 So opioid litigation in general, I want to 7 make sure that we have -- we know what we're talking about 8 when we use certain terms that we're going to use. So 9 first of all, if I abbreviate Tarrant County Sheriff's 10 Office to TCSO, we'll understand that that means Tarrant 11 County Sheriff's Office. Is that okay? 12 A. Yes. 13 Q. And saying the term "CNET" refers to Tarrant 14 County Sheriff's Office Combined Narcotics Enforcement 15 Team -- 16 A. Yes. 17 Q. -- is that fair? 18 Do you-all use the term "CNET," or do you 19 use something else for that? 20 A. We -- we call it CNET. 21 Q. And if I use the term "DEA," we understand that 22 I'm referring to the United States Drug Enforcement 23 Agency? 24 A. Understood. 25 Q. And that "HIDTA" is an acronym for High Intensity</p>

<p style="text-align: right;">Page 14</p> <p>1 Drug Trafficking Area. Can we agree on that?</p> <p>2 A. Yes.</p> <p>3 Q. Captain Heckman, what is your -- what do you</p> <p>4 understand the term "opioids" to mean?</p> <p>5 A. Opioids? I understand that to mean synthetic</p> <p>6 opiates.</p> <p>7 Q. And in your understanding, what type of drugs</p> <p>8 does that include?</p> <p>9 A. From my experience, it's generally drugs such as</p> <p>10 OxyContin, or oxycodone.</p> <p>11 Q. So prescription medication?</p> <p>12 A. Yes.</p> <p>13 Q. It would also include illicit drugs?</p> <p>14 A. Yes, such as heroin.</p> <p>15 Q. And do you understand that the prescription</p> <p>16 opioids are FDA- and DEA-approved medications?</p> <p>17 A. Yes, that's my understanding.</p> <p>18 Q. And prescription opioids are manufactured by</p> <p>19 pharmaceutical companies and are legally avail- --</p> <p>20 available only with a prescription from a healthcare</p> <p>21 providing -- provider.</p> <p>22 Do you understand -- do you have that</p> <p>23 understanding?</p> <p>24 A. Yes.</p> <p>25 Q. And prescription opioids can only be obtained by</p>	<p style="text-align: right;">Page 16</p> <p>1 to obtain on the street, and you can buy them just from</p> <p>2 your local drug dealer, so to speak. So they -- they can</p> <p>3 be purchased on the street just by somebody you know that</p> <p>4 has them, either -- sometimes they sell them out of their</p> <p>5 own prescription bottle, or they obtain them unlawfully,</p> <p>6 but they -- they -- they can distribute them.</p> <p>7 Q. And since we're talking about opioids that also</p> <p>8 include illicit drugs too, are those also -- any -- let me</p> <p>9 rephrase that.</p> <p>10 Obtain -- there's no legal way to obtain the</p> <p>11 illicit drugs, right?</p> <p>12 MS. ABSTON: Objection, form.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: The -- in -- in my world, from</p> <p>15 my perspective, illicit drugs are -- are generally not</p> <p>16 drugs you can obtain through a prescription.</p> <p>17 BY MR. WOHL:</p> <p>18 Q. And do you have an understanding that it's the</p> <p>19 dispensing of prescription opioids that Kroger and</p> <p>20 Albertsons have been blamed for by Tarrant County in this</p> <p>21 litigation?</p> <p>22 MS. ABSTON: Objection, form.</p> <p>23 THE WITNESS: That -- that's what I've</p> <p>24 gathered. Based on what I've been told about the lawsuit,</p> <p>25 I just kind of gathered that.</p>
<p style="text-align: right;">Page 15</p> <p>1 going to a physician or a provider and receiving a legal</p> <p>2 prescription from a provider licensed by the DEA to write</p> <p>3 that prescription and then taken to a pharmacy to have</p> <p>4 that prescription legally filled.</p> <p>5 Is that your understanding?</p> <p>6 MS. ABSTON: Objection, form.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: Okay.</p> <p>9 I understand there's legal ways to obtain</p> <p>10 those drugs, and I understand there's illegal ways to</p> <p>11 obtain those drugs.</p> <p>12 BY MS. WOHL:</p> <p>13 Q. And as far as the legal ways to obtain those</p> <p>14 drugs, what is your understanding of that process?</p> <p>15 A. When they're prescribed by a licensed physician</p> <p>16 or medical care provider.</p> <p>17 Q. Prescribed by a medical care provider and then</p> <p>18 dispensed by a pharmacy?</p> <p>19 A. Yes.</p> <p>20 Q. And you -- you just mentioned this, that you</p> <p>21 understand that there are legal, as well as illegal, ways</p> <p>22 to procure opioids. Can you give me an example of an</p> <p>23 illegal way to obtain an opioid?</p> <p>24 A. Well, most pharmaceutical drugs -- well, I won't</p> <p>25 say "most." Opiate pharmaceutical drugs are pretty easy</p>	<p style="text-align: right;">Page 17</p> <p>1 BY MS. WOHL:</p> <p>2 Q. Do you believe that prescription opioids can have</p> <p>3 legitimate medical uses?</p> <p>4 A. Yes.</p> <p>5 Q. Would you agree that there are many people who</p> <p>6 suffer from legitimate injury and pain that seek medical</p> <p>7 care from a provider and are provided prescriptions for</p> <p>8 opioids upon their provider's determination of medical</p> <p>9 necessity?</p> <p>10 A. Yes.</p> <p>11 Q. And would you agree that the doctor who is</p> <p>12 examining or treating the patient is in the best position</p> <p>13 to assess medical necessity?</p> <p>14 A. Yes.</p> <p>15 Q. And I understand that you're not a doctor. But</p> <p>16 as a layperson, would you agree that, when prescribed and</p> <p>17 used properly, opioids can provide benefits to patients</p> <p>18 suffering from acute or chronic pain?</p> <p>19 MS. ABSTON: Objection, form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MS. WOHL:</p> <p>22 Q. And without getting into the specifics of what</p> <p>23 was discussed, did you meet with anyone to prepare for</p> <p>24 this deposition?</p> <p>25 A. I -- I did. I had two meetings that each lasted</p>

<p style="text-align: right;">Page 18</p> <p>1 an hour and a half to two hours, I -- I believe.</p> <p>2 Q. Who did you meet with?</p> <p>3 A. The people on this call, Alex, Sadie, and</p> <p>4 Mr. Craig Price.</p> <p>5 Q. Did you discuss the deposition with anyone</p> <p>6 besides your attorneys?</p> <p>7 A. No.</p> <p>8 Q. Did you review any documents or any other</p> <p>9 materials to prepare for this deposition?</p> <p>10 A. No.</p> <p>11 Q. Captain Heckman, are you from Texas?</p> <p>12 A. I am not.</p> <p>13 Q. Where are you from?</p> <p>14 A. I was actually born in Pennsylvania.</p> <p>15 Q. Where in Pennsylvania?</p> <p>16 A. Easton.</p> <p>17 Q. I'm in Pittsburgh a lot; I don't know Easton.</p> <p>18 Where did you grow up?</p> <p>19 A. Early childhood until I was about 9 was in</p> <p>20 Pennsylvania, and then I moved to Texas when I was 10, and</p> <p>21 I spent some time in the San Antonio area. I spent one</p> <p>22 year in Indiana in my early teens, and then I moved back</p> <p>23 to the Fort Worth area in the eighth grade, and I've been</p> <p>24 here ever since.</p> <p>25 Q. Give me a summary of your education following</p>	<p style="text-align: right;">Page 20</p> <p>1 Oklahoma, and then I was stationed in Fulda, West Germany.</p> <p>2 That was back before the Berlin Wall fell. So -- but I</p> <p>3 was stationed in Fulda, and my rank was a private the</p> <p>4 entire time. I was only on active duty for two years, and</p> <p>5 then I returned, and I had six years of inactive reserve</p> <p>6 status that I did locally.</p> <p>7 Q. Germany, before the Wall fell?</p> <p>8 A. I'm sorry?</p> <p>9 Q. Were you there when it fell? Were you in West</p> <p>10 Germany when the Wall fell?</p> <p>11 A. I left the year before it actually fell.</p> <p>12 Q. Wow, interesting.</p> <p>13 What about the FBI National Executive</p> <p>14 Administration? What is that?</p> <p>15 A. I'm not sure. Can you --</p> <p>16 Q. You don't have any experience with that? I have</p> <p>17 a note about the FBI National Executive Administration.</p> <p>18 A. I'm sorry.</p> <p>19 Q. You don't know anything --</p> <p>20 A. I'm not sure what it is.</p> <p>21 Q. It's okay. Sorry. Sometimes we go through</p> <p>22 everybody's files and documents and things pop up, and</p> <p>23 I've gotta ask you if you know what it is. So if you</p> <p>24 don't have experience with that, then it must have been a</p> <p>25 misread or attributed to you, and it was somebody else.</p>
<p style="text-align: right;">Page 19</p> <p>1 high school.</p> <p>2 A. Civilian education?</p> <p>3 Q. Yes.</p> <p>4 A. I'm sorry. Or my pro- --</p> <p>5 Q. Civilian, and then we'll talk about --</p> <p>6 A. Oh, civilian.</p> <p>7 Q. -- professional.</p> <p>8 A. Okay. Well, I graduated high school, and then I</p> <p>9 obtained a bachelor's degree in criminal justice and a</p> <p>10 master's degree in criminal justice.</p> <p>11 Q. What school were those degrees from?</p> <p>12 A. The -- they were both from Lamar University.</p> <p>13 Q. What were the years you attended those schools --</p> <p>14 that school?</p> <p>15 A. My -- approximately, I -- I finished my master's</p> <p>16 degree around 2015, and my bachelor's degree was two years</p> <p>17 prior to that, thereabout, so 2013.</p> <p>18 Q. And following -- well, give me your history</p> <p>19 directly following high school. Were you in the armed</p> <p>20 forces?</p> <p>21 A. I was. I was in the United States Army.</p> <p>22 Q. Can you give me that history and what departments</p> <p>23 and ranks you are?</p> <p>24 A. Yes. So I went into the Army in 1986, and I was</p> <p>25 stationed -- I went to basic training in Fort Sill,</p>	<p style="text-align: right;">Page 21</p> <p>1 Do you currently have any professional</p> <p>2 licensures or certifications?</p> <p>3 A. Well, yes. I'm a -- I'm a Master Peace Officer</p> <p>4 in Texas. I also have certification as a -- a TCOLE,</p> <p>5 which is Texas Commission on Law Enforcement instructor.</p> <p>6 So I'm a licensed instructor.</p> <p>7 I am a firearm's instructor. I have a</p> <p>8 instructor certification -- correct. I have a --</p> <p>9 correct -- I'm sorry. I have a certification as a</p> <p>10 clandestine -- I'm a certified clandestine lab investigator</p> <p>11 for illicit drugs, and I'm a clan- -- certified</p> <p>12 clandestine lab site safety officer.</p> <p>13 Q. You don't see as many clan labs as you used to,</p> <p>14 do you?</p> <p>15 A. You -- you don't.</p> <p>16 And I'm also an ethics instructor.</p> <p>17 Q. Great.</p> <p>18 And are all those certifications up to date,</p> <p>19 to the extent that they need to be?</p> <p>20 A. Yes. Yes, they are.</p> <p>21 Q. And let's talk about your work history.</p> <p>22 First let me ask you: Did you go directly</p> <p>23 to get your bachelor's degree following leaving the -- the</p> <p>24 Army?</p> <p>25 A. No, not immediately. I -- I attended Kaplan</p>

<p style="text-align: right;">Page 22</p> <p>1 University. I -- I believe I started Kaplan University in  2 the mid-'90s, and I actually got my associate's degree  3 from Kaplan before I went on to my bachelor's. I was on  4 the 20-year plan.  5 Q. Nothing wrong with that.  6 So after you got your master's -- well, I  7 don't want to limit you to just post-education, because  8 you might be working during getting your education. But  9 can you give me your work history?  10 A. Here at the sheriff's office or in law  11 enforcement?  12 Q. In law enforcement, yeah.  13 What's -- you know, anything that pertains  14 to your -- your degrees and bachelor's or master's in  15 criminal justice. So if you were working while you were  16 achieving those degrees, that too.  17 A. I was working the whole time I was going to  18 college.  19 So I started with the Tarrant County  20 Sheriff's Office in 1988. So just about six or eight  21 weeks after I got out of the Army I started, and I was  22 working in our confinement division. After a couple  23 years, I transferred to the transportation division where  24 I was responsible for transporting prisoners around the  25 Tarrant County area, between our Tarrant County jails, and</p>	<p style="text-align: right;">Page 24</p> <p>1 then I was -- received a phone call from one of our  2 chiefs, and I was told that our in-house sheriff's  3 department narcotic unit was going to be merging -- well,  4 actually, let me restate that. I'm sorry. The Tarrant  5 County drug enforcement narcotic unit that was  6 traditionally under the purview of our district attorney  7 was going to be transferred over to the -- under the  8 umbrella of the sheriff's office, and that the county  9 narcotics task force and our in-house sheriff's narcotics  10 task force were going to be merged together, and I was  11 asked to come back and start that, which that's when CNET  12 was created.  13 So I remained at CNET approximately four  14 years, and then I promoted to captain, and I went to our  15 -- as captain, I was transferred to our training academy,  16 and I was the director of our training. We call it  17 training, research, and professional development. And I  18 was at the academy for about -- I guess it's  19 four-and-a-half years. And approximately two months ago I  20 was transferred to internal affairs. So I'm currently  21 assigned as the captain in internal affairs.  22 Q. That's a good memory of a lot of changes.  23 I noted three separate stints as -- in the  24 narcotics department, and then the third one was when CNET  25 was created. Can you give me the approximate years of all</p>
<p style="text-align: right;">Page 23</p> <p>1 I would also do -- run inmates on our transportation bus,  2 on our jail bus, back and forth to the penitentiary,  3 things like that. And I -- I did that for a few months,  4 and then I promoted and went to our patrol division.  5 I did four-and-a-half, approximate, years in  6 patrol, and then I transferred to narcotics as a narcotic  7 investigator, and I spent eight to nine years -- I'm going  8 off memory here. So approximately eight to nine years in  9 narcotics as a narcotic detective.  10 I was -- I promoted to sergeant when -- and  11 when I left narcotics, I went back to patrol as a -- as a  12 road sergeant. I spent one year as a road sergeant, and I  13 became eligible to promote -- to apply for lieutenant, and  14 I applied for a promotion to lieutenant, and I was  15 promoted to lieutenant in 2005.  16 Once I was promoted to lieutenant, I was  17 asked to come back to narcotics, and I was assigned to  18 narcotics criminal investigations in crime scene, and I  19 remained there as a lieutenant for about six years. And  20 then I was assigned to our judicial services division in  21 charge of the security of our courthouses in Tarrant  22 County for about a year, and then I was transferred out to  23 patrol as a shift lieutenant on the midnight shift in our  24 patrol division.  25 I was there approximately three years, and</p>	<p style="text-align: right;">Page 25</p> <p>1 three of those? The first one, you said, was about eight  2 to nine years before you were promoted to sergeant?  3 A. Correct. So my -- my first stint in narcotics  4 was '97, and I left in 2004, I believe. Let me -- I'm  5 going off memory here. It might have been the fall -- I  6 think the first of '97 is -- is when I went to narcotics.  7 And then 2000 -- the fall of 2004 -- I'm sorry -- 2004 --  8 it was June or July, I believe, in 2004 when I promoted to  9 sergeant and left.  10 And then I came back in 2005 as a  11 lieutenant, and that lasted until 2010. And then 2010 is  12 when I transferred to our judicial services division. And  13 I -- I'm sorry. I believe 2000 -- the first of 2015,  14 maybe, is when I went back, and that's when we established  15 CNET. So that would have been my third -- third time back  16 in narcotics.  17 Q. Great. Thank you.  18 You mentioned the certifications that you  19 have. Any other educational programs or academies where  20 you were awarded a degree or a certificate or some form of  21 accreditation upon completion?  22 A. Well, I mean, we typically get certificates on  23 the training we attend. I mean, I went to the Institute  24 for Law Enforcement Administration. I -- that was a  25 two-month-long leadership school, and -- and I went to</p>

<p style="text-align: right;">Page 26</p> <p>1 that, and I believe that was 2015.</p> <p>2 Q. When you get certificates for trainings, what</p> <p>3 kind of trainings are you -- are you given?</p> <p>4 A. Well, it is -- it -- it could be anything</p> <p>5 law-enforcement-related. I mean, I've had numerous</p> <p>6 courses on investigations; I mean, extensive -- I would</p> <p>7 say extensive training in narcotics enforcement</p> <p>8 strategies, surveillance, informant management, undercover</p> <p>9 operations; again, clandestine lab investigations. Of</p> <p>10 course, that was a while back, but just other -- other</p> <p>11 just -- deescalation techniques, dealing with mental</p> <p>12 health -- people struggling with mental health issues,</p> <p>13 patrol tactics and strategies.</p> <p>14 I was also collaterally assigned to our SWAT</p> <p>15 team throughout my career on and off several times. And</p> <p>16 -- and while on SWAT, I -- I attended numerous tactical</p> <p>17 sources. And I was on SWAT as a -- as an -- as an</p> <p>18 officer, as a team leader, and as a commander. But that</p> <p>19 was a collateral duty; it was not a full-time assignment.</p> <p>20 Q. Have you ever received any education specific to</p> <p>21 opioids?</p> <p>22 A. I -- I've attended brief training sessions</p> <p>23 related to opioids. A couple, I would say.</p> <p>24 Q. Do you recall when?</p> <p>25 A. I -- I don't exactly. They would have been --</p>	<p style="text-align: right;">Page 28</p> <p>1 A. I would -- I would say designer drugs, in my --</p> <p>2 in my opinion, are drugs that are generally created, I</p> <p>3 want to say, by amateurs for the -- the expressed intent</p> <p>4 of just getting high and feeling good and experiencing</p> <p>5 hallucinations and things like that.</p> <p>6 Q. So not drugs created by a pharmaceutical company</p> <p>7 that were then diverted?</p> <p>8 A. I would not classify those as designer drugs, in</p> <p>9 my opinion.</p> <p>10 Q. Okay. You mentioned some of these training</p> <p>11 sessions or some part of these training sessions may have</p> <p>12 included information on some prescription opioids like</p> <p>13 OxyContin, and then also you said Xanax, I think.</p> <p>14 What other specific education do you recall</p> <p>15 about prescription opioids?</p> <p>16 A. I don't think I've had much specifically</p> <p>17 regarding opiates or prescription drugs, not -- not -- not</p> <p>18 training solely focused on prescription drugs, other than</p> <p>19 limited in saying: These are common prescription drugs</p> <p>20 that we're seeing right now that -- you know, that you</p> <p>21 need to be aware of that are being, what I call, abused by</p> <p>22 end drug users.</p> <p>23 Q. Do you have any recollection from these DEA</p> <p>24 presentations about opioids as they relate to pharmacies</p> <p>25 or investigations into pharmacies?</p>
<p style="text-align: right;">Page 27</p> <p>1 they were provided during our Texas Narcotic Officers</p> <p>2 Association. I was a member of the association. I would</p> <p>3 go to the annual conferences, and the training would be</p> <p>4 provided then. I -- I don't recall the exact time frame.</p> <p>5 It would have been in the 2000 and teens sometime. I</p> <p>6 don't know exactly.</p> <p>7 Q. Do you recall anything about the training, what</p> <p>8 the focus was?</p> <p>9 A. A lot of it was focused around designer drugs and</p> <p>10 synthetic opioid-type drugs we were seeing on the street,</p> <p>11 things like -- well -- and also things like ketamine,</p> <p>12 kratom, I mean, just -- just, kind of, the designer drug</p> <p>13 that was -- you know, we were seeing in the area, where</p> <p>14 that was -- D- -- a lab -- generally, a lab person from</p> <p>15 DEA would -- would put the training on, on two of the</p> <p>16 classes I attended.</p> <p>17 But they would talk about NBOMe and things</p> <p>18 like, which I wasn't very familiar with. But they would</p> <p>19 do general, you know, street drugs that we were seeing,</p> <p>20 general drugs such as, you know, Xanax, OxyContin,</p> <p>21 hydroco- -- hydrocodone, things like that, that were -- we</p> <p>22 were seeing on the street. But a lot of it was</p> <p>23 designer-focused: MDMA, Ecstasy. We would -- we would</p> <p>24 talk about that.</p> <p>25 Q. What's your definition of "designer drugs"?</p>	<p style="text-align: right;">Page 29</p> <p>1 MS. ABSTON: Objection, form.</p> <p>2 THE WITNESS: I have not received that type</p> <p>3 of training.</p> <p>4 BY MS. WOHL:</p> <p>5 Q. Can you give me a summary of how the Tarrant</p> <p>6 County Sheriff's Office is structured? So the next level</p> <p>7 of organization below the sheriff.</p> <p>8 A. As -- as far as our chain of command?</p> <p>9 Q. Yeah.</p> <p>10 A. Yes.</p> <p>11 Q. Well, actually, I'm -- I'm looking here at --</p> <p>12 what I'm looking for is the different departments in the</p> <p>13 sheriff's department.</p> <p>14 A. Okay. We just -- on the -- on the high view,</p> <p>15 we -- we have two main bureaus. So we have our detention</p> <p>16 bureau, which, of course, is our jails, and we have an</p> <p>17 operations bureau. And there are multiple units within</p> <p>18 operations. And, I mean, those include patrol, which has</p> <p>19 multiple functions under their umbrella.</p> <p>20 And we have our criminal investigations</p> <p>21 division, a warrant division, our judicial services</p> <p>22 division; we have our training division. Of course, we</p> <p>23 have different groups within our investigations bureau.</p> <p>24 So we have crimes against persons, crimes against</p> <p>25 property, things like that. And we have an intel unit.</p>



<p style="text-align: right;">Page 30</p> <p>1 Q. And the judicial services department, is that 2 also in the operations bureau? 3 A. It is, yes. 4 Q. Okay. What about professional development and 5 training? 6 A. That is -- yes, that is in part of the operations 7 bureau. 8 Q. With your work experience in Tarrant County, do 9 you believe that you're knowledgeable to speak about the 10 role and the impact that opioids, in general, and also 11 prescription opioids, specifically, have had in Tarrant 12 County? 13 A. I have had exposure to that, and I could just 14 speak about my limited exposure and experiences. 15 Q. Do you have any knowledge regarding the laws and 16 regulations of a pharmacy in filling and dispensing a 17 medical prescription? 18 A. Not intimately. I mean, I -- I understand that a 19 lot of the medication is regulated and that you have to 20 have a prescription, unless it's over the counter. 21 Q. Can you tell me about your -- the question I just 22 asked about your knowledge about the impact of opioids and 23 prescription opioids, specifically in Tarrant County, give 24 me a sense of your -- your limited experience and exposure 25 to that and -- and what areas you would be knowledgeable</p>	<p style="text-align: right;">Page 32</p> <p>1 was basically a -- you may be familiar with it -- it's a 2 combination of -- of a Mexican-brown heroin and Tylenol PM 3 or some other type of cold reliever. They would mix it 4 and then ingest that. But the street slang was ter- -- 5 "cheese," and people were overdosing on it. 6 And so I never encountered cheese on the 7 street in my duties. I do know that, through my patrol 8 career and in -- when I entered -- first became a narcotic 9 investigator, narcotic investigation was my primary 10 responsibility. I -- I had more exposure to both 11 pharmaceuticals being distributed at the street level and 12 also heroin, both brown tar -- I'm sorry -- Mexican-brown 13 heroin and Black Tar heroin. 14 Q. In the mid-'90s when you -- you became aware of 15 some overdosing on heroin in the Plano area, it -- it 16 sounds like that was sort of a unusual trend or something 17 to take note of that -- that had changed. Is that fair to 18 say? 19 A. Yes, it definitely made -- got the media's 20 attention and attention of the local politicians in our 21 area. 22 Q. Do you have an understanding of why, all of a 23 sudden, there was a rise in heroin overdose in the 24 mid-'90s? 25 A. I don't know for certain. I can tell you,</p>
<p style="text-align: right;">Page 31</p> <p>1 to testify about. 2 A. Could you be a little more specific? 3 Q. Yeah. When you said you were -- you had some 4 limited exposure to that area, what -- what did you mean 5 by that? 6 A. So my experience with pharmaceuticals started 7 when I was in patrol. I would make quite a few arrests 8 for people that were in possession of narcotics and -- 9 both illicit narcotics and pharmaceuticals. And I knew 10 that some types of pharmaceuticals at the time, such as 11 hydrocodone and Xanax, were very common on the street, and 12 we knew it was very popular. And then when I transferred 13 into narcotics -- well, let me back up. And also, on the 14 illicit side, heroin, we would -- we were seeing heroin. 15 I know -- in the mid-'90s when I was in 16 patrol, I know we had incidents in the Dallas-Fort Worth 17 area where, all of a sudden, it was people overdosing on 18 heroin, and it was -- a lot of it was -- at the time, was 19 over in the Plano area, and it was kind of a -- it got on 20 everybody's radar, and we were told in briefing: Hey, 21 there's a big problem with heroin in the area; let's, you 22 know, keep an eye out for that. 23 And just through -- I -- I remember a lot 24 going on in the news about specifically kids in Plano were 25 using cheese -- a street term of "cheese," which</p>	<p style="text-align: right;">Page 33</p> <p>1 throughout my career, I've interviewed thousands of 2 people, drug suspects and witnesses and drug users, about 3 their experiences. And I know I interviewed several young 4 people -- at the time, I would say, probably 15 to 5 25 years old -- and I talked to them about their drug 6 usage and their heroin usage, and there were people that 7 were -- I would interview that were -- had a -- that were 8 struggling with heroin issues. 9 And when I asked them about -- it was very 10 common for me -- I like to get background information on 11 the people I interview, such as: Tell me what your family 12 looks like. Single-parent household? Were your parents 13 supportive? What made you -- you know, what made you get 14 on track to think that experimenting with drugs was a good 15 idea? 16 And I had several of them tell me that, when 17 they were presented with an opportunity to use heroin, 18 they were told it was Chiva, which is the Mexican word for 19 heroin, and they said they had no idea it was heroin, or 20 they would've never used it. But it was presented to them 21 as Chiva. Other people were doing it, so they joined in. 22 Q. Wow. 23 In these interviews that you did in trying 24 to get some background information, especially with the 25 younger kids, were there any other common denominators</p>

<p style="text-align: right;">Page 34</p> <p>1 that you found, anything about background, family life, or</p> <p>2 anything that you can, kind of, tie together?</p> <p>3 A. Well, just -- in my experience, a lot of it just</p> <p>4 related to whatever peer group they fell into in</p> <p>5 adolescence, and that, kind of, became their subfamily, so</p> <p>6 to speak. So if they fell into a group of kids who were</p> <p>7 hanging around people that were on the meth train or the</p> <p>8 marijuana train, that -- that's just kind of the direction</p> <p>9 some of them went.</p> <p>10 I -- I -- I do recall, you know, some of</p> <p>11 the -- I have experience working with human sources as</p> <p>12 informants, and a lot of what I learned was during these</p> <p>13 interviews I'm referring to, and -- and my long-term</p> <p>14 relationships, professional relationships, being in charge</p> <p>15 of controlling some of the informants I worked with. So I</p> <p>16 learned a lot from them.</p> <p>17 And, you know, I remember back in the late</p> <p>18 '90s, in an undercover capacity, I got invited to a</p> <p>19 pharming party. And I had not heard that term before.</p> <p>20 And it was being held by some local college kids. I</p> <p>21 didn't go to it, but I had an informant that went to it.</p> <p>22 But that was the first time I heard the term "pharming"; I</p> <p>23 didn't know what that was. So I knew that there was pre-</p> <p>24 -- prescription pill usage -- illicit prescription pill</p> <p>25 usage was pretty popular.</p>	<p style="text-align: right;">Page 36</p> <p>1 So I -- I'd think that'd be a pretty critical role.</p> <p>2 BY MS. WOHL:</p> <p>3 Q. Do you have any information that Kroger or</p> <p>4 Albertsons, or any chain pharmacy in Tarrant County, has</p> <p>5 been a cause of opioid abuse, overdose, or addiction in</p> <p>6 Tarrant County?</p> <p>7 A. No.</p> <p>8 Q. Do you have any knowledge of grant applications</p> <p>9 by Tarrant County or grants awarded to Tarrant County</p> <p>10 related to opioids?</p> <p>11 A. No.</p> <p>12 Q. In your opinion, is there a substance abuse</p> <p>13 crises in Tarrant County?</p> <p>14 A. Yes, there is.</p> <p>15 Q. And substance abuse, as we just discussed, comes</p> <p>16 in many forms. You would agree that includes alcohol,</p> <p>17 marijuana, illegal drugs, like heroin, fentanyl,</p> <p>18 methamphetamine, and also, in some instances, prescription</p> <p>19 opioids as well. Would you agree with that?</p> <p>20 A. Yes.</p> <p>21 Q. And I won't limit it to prescription opioids, but</p> <p>22 prescription drugs?</p> <p>23 A. Yes.</p> <p>24 MS. ABSTON: Objection, form.</p> <p>25 BY MS. WOHL:</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. And that's going back to the -- the mid-'90s?</p> <p>2 A. I learned about that in the late '90s, early</p> <p>3 2000s. When I went to narcotics, that's when I was</p> <p>4 exposed to that.</p> <p>5 Q. Let me steer back to pharmacies.</p> <p>6 Do you have an understanding that chain</p> <p>7 pharmacies in Tarrant County do not manufacture</p> <p>8 prescription opioid medications?</p> <p>9 A. Correct. I understand that.</p> <p>10 Q. And do you have an understanding that chain</p> <p>11 pharmacies in Tarrant County do not write prescription for</p> <p>12 opioid medications?</p> <p>13 A. Yes.</p> <p>14 Q. And we've touched on this before, but so it's all</p> <p>15 in one place: Do you have an understanding that only</p> <p>16 healthcare providers licensed by the DEA can write</p> <p>17 prescriptions for opioids?</p> <p>18 A. Yes.</p> <p>19 Q. Would you agree -- would you agree that a</p> <p>20 pharmacy can serve as critical assistance to a patient in</p> <p>21 the -- providing medication that a healthcare --</p> <p>22 healthcare provider has prescribed?</p> <p>23 MS. ABSTON: Objection, form.</p> <p>24 THE WITNESS: Yes, because my understanding,</p> <p>25 that's the only way to get it dispensed to the patient.</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Do you agree that substance abuse is a medical</p> <p>2 condition that requires professional treatment and, in</p> <p>3 many instances, medical care?</p> <p>4 MS. ABSTON: Objection, form.</p> <p>5 THE WITNESS: I don't know that I would</p> <p>6 define substance abuse as that; I would -- I would align</p> <p>7 that with addiction or preliminary addictions.</p> <p>8 BY MS. WOHL:</p> <p>9 Q. Have you ever been prescribed a prescription</p> <p>10 opioid?</p> <p>11 MS. ABSTON: Objection, form.</p> <p>12 We're not going to discuss private</p> <p>13 HIPAA-protected information, so I'm going to instruct the</p> <p>14 witness not to answer.</p> <p>15 BY MS. WOHL:</p> <p>16 Q. Have you personally experienced anyone, whether</p> <p>17 it be a family member, friend, acquaintance, that has been</p> <p>18 impacted with an addiction to prescription opioids?</p> <p>19 MS. ABSTON: I'm going to instruct the</p> <p>20 witness not to answer once again, and object to form,</p> <p>21 because we're not going to discuss family members' private</p> <p>22 HIPAA-protected information today.</p> <p>23 MS. WOHL: I'm trying to get some personal</p> <p>24 experience from the witness. If you instruct him not to</p> <p>25 answer...</p>

<p style="text-align: right;">Page 38</p> <p>1 BY MS. WOHL:</p> <p>2 Q. Do you have any personal experience with Kroger</p> <p>3 or Albertsons?</p> <p>4 A. I -- I do.</p> <p>5 Q. In what way?</p> <p>6 A. I -- shopping. I -- I have not used either of</p> <p>7 their pharmacies, but just grocery shopping.</p> <p>8 Q. Let's go back to substance abuse in Tarrant</p> <p>9 County.</p> <p>10 Is there a particular substance that you</p> <p>11 find to be most abused, in your experience?</p> <p>12 MS. ABSTON: Objection, form.</p> <p>13 THE WITNESS: I -- I wouldn't say "most</p> <p>14 abused." I think -- my experience has been our</p> <p>15 investigations have taken us in -- in different routes.</p> <p>16 Sometimes we would stumble upon a drug-trafficking</p> <p>17 organization that specialized in meth or cocaine or heroin</p> <p>18 or -- or something like that. So it's been my experience</p> <p>19 that a lot of those substances are problems in Tarrant</p> <p>20 County. And I believe their availability, from what I've</p> <p>21 seen over my career, has greatly increased in -- based on</p> <p>22 my experience in narcotics.</p> <p>23 BY MS. WOHL:</p> <p>24 Q. When you say the "availability has greatly</p> <p>25 increased," what substances are you referring to?</p>	<p style="text-align: right;">Page 40</p> <p>1 labs around town, our meth lab production shut down quite</p> <p>2 a bit, and it's my experience -- and this is based on</p> <p>3 interviews I've had with drug traffickers in Tarrant --</p> <p>4 that have come to Tarrant County that we've apprehended</p> <p>5 and interviewed, that that opened the floodgates for the</p> <p>6 cartels in Mexico to fill that void, because a lot of</p> <p>7 people were manufacturing meth and distributing it</p> <p>8 domestically. And when we shut that down, because we</p> <p>9 controlled all the pseudoephedrine and other precursor</p> <p>10 chemicals, that -- the Mexican cartels filled the void</p> <p>11 with their methamphetamine they were bringing across the</p> <p>12 border.</p> <p>13 THE COURT REPORTER: I'm sorry. This is</p> <p>14 getting just a little fast, the terminology. So if we can</p> <p>15 slow down just a little bit.</p> <p>16 THE WITNESS: Yeah, of course.</p> <p>17 MS. WOHL: Thank you for letting us know.</p> <p>18 We'll be careful about that.</p> <p>19 BY MS. WOHL:</p> <p>20 Q. Do you have an opinion as to, right now, whether</p> <p>21 the majority of substance use and abuse in Tarrant County</p> <p>22 is related to illegal substances?</p> <p>23 MS. ABSTON: Objection, form.</p> <p>24 THE WITNESS: I really can't speculate on</p> <p>25 that.</p>
<p style="text-align: right;">Page 39</p> <p>1 A. I would say anything from prescription pills that</p> <p>2 are in demand to high-grade marijuana, methamphetamine,</p> <p>3 heroin, Ecstasy, cocaine.</p> <p>4 It -- it seems that -- if I can elaborate</p> <p>5 just a second. From my earlier experiences in narcotics</p> <p>6 to when I came back a few years later, I noticed that the</p> <p>7 availability and ease of purchasing these drugs on the</p> <p>8 street was -- it got a lot easier to obtain them, and the</p> <p>9 prices dropped significantly in our -- in our area.</p> <p>10 Q. And give me a -- a general timeline of that, when</p> <p>11 you say your early experience till now.</p> <p>12 A. For instance, when I was -- in -- as a narcotic</p> <p>13 investigator in the late '90s, if -- that was back when it</p> <p>14 was amphetamine and methamphetamine you could purchase.</p> <p>15 Methamphetamine was -- when it first came to prominence,</p> <p>16 in my experience, in Tarrant County, it -- it would cost</p> <p>17 about \$1,500 an ounce. And, I mean, just, for instance,</p> <p>18 today you can go by an ounce for 3 or \$400.</p> <p>19 Q. Do you have a sense of when this changed?</p> <p>20 A. I -- I think it increased when the federal</p> <p>21 government began relating -- I'm sorry -- regulating</p> <p>22 prescription -- I'm sorry -- precursor chemicals that were</p> <p>23 commonly used in manufacturing methamphetamine</p> <p>24 domestically. And when that became very difficult for our</p> <p>25 local drug manufacturers to -- to have the little meth</p>	<p style="text-align: right;">Page 41</p> <p>1 BY MS. WOHL:</p> <p>2 Q. Do you find that there is a lot of substance</p> <p>3 abuse related to alcohol?</p> <p>4 A. Yes.</p> <p>5 Q. In your opinion, have opioids impacted Tarrant</p> <p>6 County?</p> <p>7 A. Yes.</p> <p>8 Q. In what way?</p> <p>9 A. I've -- in the course of my professional duties,</p> <p>10 I've met and interviewed a few people who became addicted</p> <p>11 to opiates, prescription opiates, and I've interviewed</p> <p>12 people who we've caught either with prescription opiates,</p> <p>13 or we've caught with heroin and in the course of talking</p> <p>14 to them. I know some of the people we've arrested for</p> <p>15 heroin possession, when -- when I would interview them</p> <p>16 and they'd, kind of, take me on their journey -- journey</p> <p>17 through their drug-use history, that -- I know some of</p> <p>18 them told me that their addiction started with a</p> <p>19 pharmaceutical.</p> <p>20 And we -- we kind of have this term that we</p> <p>21 say: Pharmaceuticals, they're cleaner, if you're familiar</p> <p>22 with that, than heroin. And -- but I've -- I know from</p> <p>23 experience, and I'll just -- if I can relay one story to</p> <p>24 you. One of my human sources, an informant that I had --</p> <p>25 and I worked with him for years -- he was a -- he had his</p>



<p style="text-align: right;">Page 42</p> <p>1 own business. I mean, he -- he was well-known locally in  2 Tarrant County in the -- in the drug trade. And so he --  3 he -- I actually arrested him for possession of narcotics,  4 and he was turned and -- and became a human source for me  5 and was assisting us with investigations.  6 So I got to talk with him quite a bit, and  7 he became addicted to op- -- opiates following a knee  8 injury that he sustained. And I noticed, following his  9 injury -- and I saw quickly how his life spiralled, and he  10 lost his business and his -- you know, alienated his  11 daughter from him and wound up in jail more -- more --  12 multiple times after that. And so that -- that's just one  13 incident that I recall that has that nexus.  14 Q. Do you recall from that story or other interviews  15 you've conducted whether the prescription was filled at a  16 chain pharmacy or a pill mill?  17 MS. ABSTON: Objection, form.  18 THE WITNESS: I do not know.  19 BY MS. WOHL:  20 Q. Do you have any knowledge of whether the original  21 prescription was a legitimate prescription or if it was  22 a -- an illegal prescription that was filled?  23 MS. ABSTON: Objection, form.  24 THE WITNESS: I do not.  25 BY MS. WOHL:</p>	<p style="text-align: right;">Page 44</p> <p>1 next. And -- and -- but at the time, they were giving me  2 this intel, saying: Well, I know these doctors where you  3 can just go there and get anything you want, and -- but  4 due to my current duties and responsibilities, I was  5 redirecting that down -- I didn't follow up on that. I  6 was -- I was more interested in the other types of drugs  7 that I described.  8 Q. When they were talking about the doctors' offices  9 where you could get anything you want, did you have a  10 sense whether they were talking about getting a  11 prescription for anything they want, or were they actually  12 able to obtain the -- the pills at the office?  13 A. The prescription.  14 Q. And did you ever get a sense from talking to them  15 about where they would fill those prescriptions?  16 A. I did not.  17 Q. In your experience, aside from just talking to  18 those people, did you ever come across independent  19 pharmacies that filled opioid prescriptions or were  20 connected to one of these doctors that prescribed a lot of  21 opioid prescriptions?  22 A. No.  23 MS. ABSTON: Objection, form.  24 BY MS. WOHL:  25 Q. Have you noticed any changes in the trends of</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. And aside from that story, any other anecdotes or  2 interviews with people where you do have that information  3 of whether the prescription -- an addiction stemmed from a  4 prescription of opioids and whether that prescription was  5 legitimate or illegal?  6 MS. ABSTON: Objection, form.  7 THE WITNESS: Well, I -- I do recall in the  8 '90s doing several interviews with people, and, you know,  9 they're -- a lot of -- oftentimes they were currently  10 confined in the Tarrant County jail, and they were, you  11 know, trying to provide information to get leniency on  12 their pending cases. And, of course, back then, my -- my  13 primary focus for drug enforcement in Tarrant County was  14 methamphetamine, heroin, marijuana, Ecstasy, cocaine,  15 things like that. I -- my focus and -- and -- and the  16 focus of our narcotic unit was not prescription drugs.  17 But oftentimes I would interview people;  18 they would say: Hey, I know a doctor you can go to, and I  19 can get you anything you want. You just go in there and  20 tell them your back hurts.  21 And -- and there was this -- in fact, there  22 was a couple -- they -- the street term that I was told  23 was "Dr. Next". They would all call them: I can get you  24 a Dr. Next, which means they had patients going through  25 their office so fast, they would just say: Next, next,</p>	<p style="text-align: right;">Page 45</p> <p>1 substance use throughout your years of employment at  2 Tarrant County Sheriff's Office?  3 A. Can you be a little more specific?  4 Q. I mean, you kind of gave me the trajectory of the  5 meth problem, which was real helpful. So you had a lot of  6 clan labs, and then, I think, you -- there was more  7 regulation about the precursor chemicals, and then that  8 kind of opened the market for the cartels.  9 A timeline like that or any changes you've  10 noticed like that but with other substances?  11 MS. ABSTON: Objection, form.  12 THE WITNESS: Well, I -- I think based on my  13 first eight -- approximately eight years in narcotics and  14 then leaving for a year and -- and coming back, and then  15 just -- I've had those periodic gaps where I was not  16 assigned to narcotics. When I would come back, I -- I  17 just -- especially my last time in CNET, I just -- it was  18 very apparent to me that drugs were much more readily  19 available.  20 And I -- just through interviews that I've  21 had with -- and -- and I've -- I've maintained contact  22 with a -- a -- a select number of people that have worked  23 for me previously, and informants, and that's just -- FYI,  24 that's a -- kind of a mentoring relationship. I would  25 just call them and check on them, make sure they're</p>

<p style="text-align: right;">Page 46</p> <p>1 staying out of trouble. And we would just kind of talk  2 drug trends in -- in Tarrant County, and -- and several of  3 them told me that just the availability and the price  4 was -- I mean -- and just to kind of put things in  5 perspective: So when I was in narcotics eight or ten  6 years ago, it was -- if -- if you wanted to buy a pound of  7 hard drugs, like cocaine, heroin, or meth, you really had  8 to have a good connection. I mean -- and people weren't  9 going to sell you large quantities like that unless you  10 either had a great introduction or they knew you somehow  11 or you established a rapport with them.  12 When I returned to narcotics in the late  13 teens in CNET, that -- you -- you could just make a phone  14 call and just any -- people were, like, tripping over each  15 other trying to sell you large quantities of drugs, and it  16 was a real eye-opener for me. I mean, that was -- I -- I  17 couldn't believe how many -- what the street -- what I was  18 -- they call them "up-and-comers" in the -- in the drug  19 trade. Up-and-comers were just -- I mean, it -- it's not  20 uncommon for somebody now to get a pound of drugs and just  21 give it to somebody and say: Hey, just go sell it and  22 give me the money later. I mean, it's just much  23 more readily available, in my opinion.  24 Q. Any opinions on how that came to be, why that is?  25 A. I -- I think there's just a lot more drugs in our</p>	<p style="text-align: right;">Page 48</p> <p>1 organization chart, and there's two pages to this,  2 Proposed Effective November 17th, 2021, and then, I guess,  3 this is the current.  4 Does this -- does this look accurate?  5 A. It was -- it looked accurate in 2021. It's not  6 100 percent accurate today. There's been some personnel  7 adjustments.  8 Q. Okay.  9 MS. ABSTON: And just for the record, I just  10 want to note this doesn't have any Bates -- my copy  11 doesn't have any Bates number on it or any sort of URL in  12 any way.  13 MS. WOHL: Noted.  14 BY MS. WOHL:  15 Q. You are identified as a Captain reporting to  16 Craig Driskell on this chart. Is that -- is that still  17 accurate as we sit here today?  18 A. Yes. However, Chief Driskell and I are no longer  19 part of the training academy. We are now both over  20 internal affairs.  21 Q. What is his title?  22 A. He is a -- a chief deputy.  23 Q. And when you were transferred to the narcotics  24 unit the third time, that was when it had merged and --  25 and became under Tarrant County Sheriff's Office, right?</p>
<p style="text-align: right;">Page 47</p> <p>1 society. I -- I noticed just through my interviews when I  2 would come back -- when I was in CNET this last time, and  3 when I was -- in the late teen -- or -- I'm sorry -- the  4 early teens, the -- when I was interviewing drug  5 traffickers and -- and they would tell me how: Hey,  6 Tarrant County has shifted; it's now a money hub.  7 I mean, historically, I've always been told  8 through my interviews, interviewing suspects, that Tarrant  9 County was a drug hub; Dallas was a drug hub, but Dallas  10 was a primary financial hub for U.S. currency going south.  11 And -- and it reversed, and they were -- they were -- many  12 more of the drug traffickers were coming over and using  13 Tarrant County as major drug hubs and major currency hubs.  14 So I just felt like Tarrant County was just  15 being utilized a lot more by drug-trafficking  16 organizations. And that -- that was based on my  17 interviews with people in the street.  18 Q. Let's go a couple more minutes, and then I'll  19 take a break. I'll get through one or two exhibits.  20 If you want to pick up that binder that I  21 sent you and turn to Tab 1, which will be Exhibit 1.  22 (Exhibit 1 was marked for identification.)  23 THE WITNESS: Yes, I have it.  24 BY MS. WOHL:  25 Q. This appears to be a Training Academy</p>	<p style="text-align: right;">Page 49</p> <p>1 A. Yes.  2 Q. Okay. And who was the head of narcotic -- the  3 narcotics unit right before you were there?  4 A. That would have been just the sheriff's narcotic  5 unit, and that was Lieutenant Kevin Turner.  6 Q. And then after it was merged, you were the head  7 of it, or was somebody else?  8 A. Well, I was the one that was actually there and  9 -- and merged the two units.  10 Q. Okay. And once it was merged, that's when it  11 became known as CNET, right?  12 A. Yes.  13 (Exhibit 2 was marked for identification.)  14 BY MS. WOHL:  15 Q. Let's go to Tab 2. And this will be our  16 Exhibit 2, and the Bates number is TARRANT_00862033.  17 A. I have it.  18 Q. Okay. And looking at the second e-mail from the  19 top from Calvin Bond -- and he was the Chief Deputy of  20 Criminal Investigations and Warrants at the time in 2022;  21 is that right?  22 A. He was -- I believe during this time -- oh, yes.  23 Oh, I'm sorry. He was. He was the chief deputy. You're  24 correct.  25 Q. And as chief deputy, did he have a -- did he have</p>

<p style="text-align: right;">Page 50</p> <p>1 a supervisory role in CNET?</p> <p>2 A. At that time -- so he was our first -- if -- if I</p> <p>3 may, when CNET was started, we didn't have a budget to</p> <p>4 hire a, quote, commander, so I was assigned as the interim</p> <p>5 commander. And then Calvin Bond was hired as our first</p> <p>6 commander. And then when he transferred, he changed roles</p> <p>7 to chief deputy, and that's when they put another</p> <p>8 commander out at CNET. And I believe Chief Bond, at the</p> <p>9 time, was -- the -- the new commander at CNET reported</p> <p>10 directly to him.</p> <p>11 Q. Thank you.</p> <p>12 And who was Mike Simonds at this time?</p> <p>13 A. Mike Simonds was our senior chief, so he would</p> <p>14 have been the chief directly under Sheriff Waybourn.</p> <p>15 Q. Okay. And was he Chief Deputy Bond's -- I don't</p> <p>16 know if I'm saying that right -- immediate supervisor at</p> <p>17 the time?</p> <p>18 A. Correct.</p> <p>19 Q. So in this e-mail Bonds [sic] writes to</p> <p>20 Mr. Simonds: Sir, I forgot to tell you the law firm</p> <p>21 handling the opioid litigation would like to speak to</p> <p>22 Captain Floyd Heckman as well. I thought he would be the</p> <p>23 best person to discuss CNET activities before I was hired.</p> <p>24 Did I read that correctly?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 52</p> <p>1 THE WITNESS: Of course.</p> <p>2 THE VIDEOGRAPHER: It's 11:04 a.m. We are</p> <p>3 off the record.</p> <p>4 (Brief recess taken.)</p> <p>5 THE VIDEOGRAPHER: The time is 11:13 a.m.</p> <p>6 We are on the record.</p> <p>7 BY MS. WOHL:</p> <p>8 Q. Welcome back.</p> <p>9 Captain Heckman, let me follow up on a</p> <p>10 couple of questions that you answered earlier. The first</p> <p>11 is, you told me a couple of times that you've talked to</p> <p>12 inmates and CIs about their experience with prescription</p> <p>13 opioids and heroin. And, specifically, I'm talking about</p> <p>14 the stories about the -- the Dr. Next stories where you</p> <p>15 could go to a doctor and just get anything you wanted.</p> <p>16 Do you recall that?</p> <p>17 A. Yes.</p> <p>18 Q. Did you -- did you mention that you passed that</p> <p>19 information along to somebody else?</p> <p>20 A. It was passed on to DEA.</p> <p>21 Q. How do you pass information on to DEA in those</p> <p>22 circumstances?</p> <p>23 A. Generally, people I know that -- that work in the</p> <p>24 DEA office here in Fort Worth; I would just call them</p> <p>25 and -- and pass it on.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Do you know why Deputy Bonds thought you were the</p> <p>2 best person to discuss CNET activities before he was</p> <p>3 hired?</p> <p>4 A. Do I know why?</p> <p>5 Q. Yes.</p> <p>6 A. I'm sorry, I didn't hear. Is that what you're</p> <p>7 asking?</p> <p>8 Q. Do you know why? Yes.</p> <p>9 A. Oh. Chief Bond told me he felt it would be</p> <p>10 helpful just because I have been here for a while, and</p> <p>11 just my historical knowledge might -- might help.</p> <p>12 Q. Did he talk to you about this -- this e-mail?</p> <p>13 MS. ABSTON: Objection, form.</p> <p>14 THE WITNESS: No, not specifically.</p> <p>15 BY MS. WOHL:</p> <p>16 Q. Did he talk to you about the possibility of</p> <p>17 bringing you up as somebody who would be a good person to</p> <p>18 talk to about CNET?</p> <p>19 MS. ABSTON: Objection, form.</p> <p>20 THE WITNESS: He -- he just mentioned</p> <p>21 that -- that there was possible litigation and that he</p> <p>22 thought I would be a good person to talk to.</p> <p>23 MS. WOHL: It's been about an hour. Let's</p> <p>24 take a break, maybe about five minutes. Is that okay? Go</p> <p>25 off the record.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Just an informal call?</p> <p>2 A. Yes, generally.</p> <p>3 Q. And the other question I want to follow up on and</p> <p>4 make sure I understand is, we were talking earlier about</p> <p>5 the evolution of Tarrant County and drug trafficking and</p> <p>6 the availability of drugs, and you -- you mentioned --</p> <p>7 what term you used -- that Tarrant County had been a money</p> <p>8 hub.</p> <p>9 Can you explain what you meant by that?</p> <p>10 A. Sure. So in -- in some of the interviews that --</p> <p>11 that I -- I did when -- when I would talk to people in</p> <p>12 drug trafficking, I would ask them, you know: What is the</p> <p>13 general route if -- when you bring it over the border?</p> <p>14 Where -- where do you get in -- in the link, so to speak?</p> <p>15 Some of them may, you know, go to El Paso and Del Rio, and</p> <p>16 they would get the drugs there. Some of them would pick</p> <p>17 the drugs up here and take them to Dallas.</p> <p>18 But what I meant by "money hub" is when drug</p> <p>19 traffickers -- once the drugs are sold somewhere in the</p> <p>20 country -- and if you can just envision the United States,</p> <p>21 drugs typically flow north and eastward, generally from</p> <p>22 the border up into the Northeast or the North or the</p> <p>23 Northwest. And once the transactions are made, the cash</p> <p>24 usually flows in the opposite direction. So the cash will</p> <p>25 be flowing back towards our Southwest border until it can</p>

<p style="text-align: right;">Page 54</p> <p>1 be -- their intent is to smuggle it over the border.</p> <p>2 And there's - there's select regions in the</p> <p>3 United States that drug-trafficking organizations will use</p> <p>4 as, quote, money hubs. And that's where the money will --</p> <p>5 the money -- for instance, money from, you know, say a few</p> <p>6 states in the Northeast will -- will come southwards</p> <p>7 towards the border. And a money hub might be Tarrant</p> <p>8 County. And a lot of money, currency, would come into</p> <p>9 Tarrant County, where somebody is assigned from that</p> <p>10 drug-trafficking organization to oversee that money and</p> <p>11 ensure that it gets packaged. And whatever smuggling</p> <p>12 method they want to use to take it back across the</p> <p>13 southern border, a lot of that money will be -- congregate</p> <p>14 here until it can be prepackaged, put in whatever</p> <p>15 smuggling vessel or device they're going to use, and then</p> <p>16 they attempt to bring it back over to the southern border.</p> <p>17 So it's --</p> <p>18 Q. Thank you for clarifying --</p> <p>19 A. -- essentially like a staging location for</p> <p>20 currency going south.</p> <p>21 Q. Understood. Thank you.</p> <p>22 If you can turn to Tab 3. This will be our</p> <p>23 Exhibit 3. Bates number is 00862326.</p> <p>24 A. Okay. I have it.</p> <p>25 (Exhibit 3 was marked for identification.)</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. And Eric Martinez?</p> <p>2 A. I am not sure where he was at this time. I'm --</p> <p>3 I'm not sure why he was on this e-mail.</p> <p>4 Q. And what about Timothy Canas -- Canas?</p> <p>5 A. Tim Canas was -- at -- I believe at this time he</p> <p>6 was the CIB chief, a criminal investigations chief.</p> <p>7 When -- and -- and, forgive me, I'm -- I'm not sure -- I</p> <p>8 believe when this e-mail was created, I'm -- I'm not -- I</p> <p>9 don't think -- I don't know if Calvin Bond was hired yet</p> <p>10 by Tarrant County, because I don't see his name on here.</p> <p>11 Okay. Well, if I may, now that I -- I'm</p> <p>12 reading the e-mail a little more, at the time, Mike Ford</p> <p>13 and Eric Martinez were field supervisors. And I think,</p> <p>14 based on the context of the e-mail, Chief Simonds is</p> <p>15 basically saying: Hey, we want to be aware of any</p> <p>16 possible overdoses that may be linked to heroin, and that</p> <p>17 the sheriff and the upper command staff want to know about</p> <p>18 that.</p> <p>19 Q. Did you have an understanding of why Chief</p> <p>20 Simonds was issuing this directive?</p> <p>21 A. I -- I know at some point when I was at CNET,</p> <p>22 Sheriff Waybourn -- I was contacted by Sheriff Waybourn,</p> <p>23 and -- and I believe it was Chief Simonds, and they</p> <p>24 started asking me about overdose deaths that we were</p> <p>25 seeing, or if I had very much information about that,</p>
<p style="text-align: right;">Page 55</p> <p>1 BY MS. WOHL:</p> <p>2 Q. So this is e-mail dated July 14th, 2016, from</p> <p>3 Mike Simonds to you and several others.</p> <p>4 Do you recall this e-mail?</p> <p>5 A. I -- well, I have to read it.</p> <p>6 Q. Sure.</p> <p>7 A. I don't recall it just by glancing at it.</p> <p>8 (Witness examines document.)</p> <p>9 I don't recall this e-mail; I recall the</p> <p>10 context.</p> <p>11 Q. And in 2016, at this time, can you give me the</p> <p>12 positions of both you and Mike Simonds?</p> <p>13 A. Yes. I was a lieutenant assigned to CNET, and</p> <p>14 Mike Simonds was our executive chief deputy at the time,</p> <p>15 so it was the number two position in our agency directly</p> <p>16 under the sheriff.</p> <p>17 Q. Who is Don Harris, who's also included in this</p> <p>18 e-mail?</p> <p>19 A. At this time, there were two lieutenants assigned</p> <p>20 to CNET because we had two separate enforcement units, and</p> <p>21 Lieutenant Harris was the -- basically my peer. He was a</p> <p>22 group supervisor, and I was also a group supervisor.</p> <p>23 Q. What about Michael Floyd, who's included here</p> <p>24 too?</p> <p>25 A. He worked for the Medical Examiner's Office.</p>	<p style="text-align: right;">Page 57</p> <p>1 both -- general overdose cases as well as overdose cases</p> <p>2 related to fentanyl. And that was the first time I was</p> <p>3 approached about it.</p> <p>4 And they asked me -- at some point I was</p> <p>5 asked where they might be able to get the information,</p> <p>6 because the sheriff was wanting more information. And I</p> <p>7 suggested they contact the Medical Examiner's Office and</p> <p>8 -- and speak with them, because they do toxicology, and</p> <p>9 they would have a better perspective and maybe more</p> <p>10 details regarding deaths related -- or overdoses related</p> <p>11 to heroin and fentanyl.</p> <p>12 And in addition to nonfatal overdoses, I</p> <p>13 suggested they reach out to MedStar, which was a large</p> <p>14 ambulatory service here in Tarrant County, and -- and see</p> <p>15 what their statistics were for how many overdoses they</p> <p>16 were called out on.</p> <p>17 Q. And who did you say started asking you about</p> <p>18 overdose cases and fentanyl when you were in CNET?</p> <p>19 A. I don't remember who called me initially, but</p> <p>20 someone called me -- it might have -- it was probably</p> <p>21 either Mike Simonds or Tim Canas, and they were saying --</p> <p>22 they told me the sheriff wanted the information.</p> <p>23 Q. Do you have a sense of why the sheriff wanted</p> <p>24 that information?</p> <p>25 A. I don't know.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q. Chief Simonds writes in here that: Any overdose 2 cases that may be linked to heroin need to be forwarded up 3 the chain of command. 4 Do you know what they meant by "chain of 5 command"? 6 A. For instance, if you're a patrol sergeant or a 7 patrol lieutenant and you get called to an emergency scene 8 that may involve possible heroin overdoses, at the end of 9 the shift, any significant cases, generally there's an 10 e-mail generated and sent to our command staff. So any -- 11 any chiefs at the chief level, all the way up to the 12 sheriff, are generally notified of major incidents. And 13 it looks like he's wanting to include overdoses that may 14 have a heroin nexus in those notifications to our command 15 staff. 16 Q. Are you in that chain of command? 17 A. Not at that time, no. 18 Q. And do you know -- you know, that was a good 19 explanation of the chain of command. Do you know if 20 that's where these reports went? 21 MS. ABSTON: Objection, form. 22 THE WITNESS: I'm not sure. I -- I couldn't 23 tell you if -- I mean, how many communications they 24 received related to this topic, I mean, I wouldn't know. 25 BY MS. WOHL:</p>	<p style="text-align: right;">Page 60</p> <p>1 basic data on drug overdose deaths in our area. Do you 2 have access to find the number of deaths attributed to 3 drug overdose or suspected drug overdose in North Texas 4 over the last two years? I'm doing a drug threat analysis 5 for our county and am trying to see if our OD's from 6 opiates, prescriptions, et cetera, are on the rise, 7 falling, or remaining the same. 8 Did I read that correctly? 9 A. Yes. 10 Q. What did you mean by "drug threat analysis" here? 11 A. The sheriff had asked -- well, let me rephrase 12 that. 13 So I was told, and I -- and I did get a 14 phone call from the sheriff asking about overdose deaths. 15 I believe most of my -- the limited conversations I had 16 were with either Chief Simonds, Chief Canas or 17 Commander Bond, but they were -- I was basically -- when 18 they called and asked if I had any details on statistics 19 for overdose deaths and I recommended that somebody speak 20 to the Medical Examiner's Office or to our ambulatory 21 service, as I mentioned earlier, I just told them I would 22 do it. And so I was just trying to get some basic 23 statistics that I could forward to my -- my chain of 24 command, since they were asking for it. 25 Q. And did you have any sense, or were you told,</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Do you know whether there was a person 2 responsible to collect and compile these reports? 3 A. I do not know that. 4 Q. And do you know if they were entered into any 5 sort of database or other form of tracking? 6 A. I don't. 7 Q. Let's go to Exhibit -- or Tab 4, which will be 8 Exhibit 4, Bates number 00706265. 9 (Exhibit 4 was marked for identification.) 10 THE WITNESS: Okay. 11 BY MS. WOHL: 12 Q. So this is an e-mail chain, and the last one in 13 here is an e-mail from you to Michael Floyd, if you could 14 take a look at that. 15 And my first question will be: Do you 16 recall this e-mail? So take the time you need to review 17 it. 18 A. (Witness examines document.) 19 Yeah. I recall the context of this e-mail. 20 Q. So you wrote to, I want to say, Mr. Floyd, but 21 did -- what was his title at the time? 22 A. I believe at the time he was the -- the chief 23 over the death investigators at the Tarrant County Medical 24 Examiner's Office. 25 Q. So you wrote to Chief Floyd: I am trying to find</p>	<p style="text-align: right;">Page 61</p> <p>1 that the purpose of this analysis had anything to do with 2 litigation? 3 A. No, that was never mentioned. 4 Q. Was it your understanding that Chief Floyd was 5 keeping that heroin, fentanyl overdose data as per Chief 6 Simonds' directives seven months earlier? 7 A. No. So Chief Floyd's role would be completely 8 separate from the sheriff's office. I -- I just knew 9 Michael Floyd just as a professional colleague, and I -- I 10 knew he knew -- if I needed to get something from the 11 Medical Examiner's Office, he could point me to -- 12 probably give me a point of contact pretty quickly. And 13 it was just a guess that, you know, if I called the ME's 14 office -- and I know the ME's office conducts autopsies 15 for not only Tarrant County but surrounding counties. And 16 I knew that that would possibly be a good way to get a 17 snapshot of drug overdose deaths in the North Texas area, 18 and so I called him -- not that he would have direct 19 access to that information, but I asked him who I should 20 talk to, and then that's when he put me in touch with 21 someone else. 22 Q. Yep. And that was my next question. So on -- if 23 you go back to the first page. On February 28, 2017, he 24 refers you to the Tarrant County Chief of Forensic 25 Toxicology Robert Johnson, I believe, and then copies</p>



<p style="text-align: right;">Page 62</p> <p>1 Dr. Johnson in his e-mail; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. And then about a week later, Dr. Johnson e-mails</p> <p>4 you and states: According to my numbers, in 2015 we had</p> <p>5 195 deaths due to overdose, accidental or intentional, and</p> <p>6 in 2016, we had 262, a pretty dramatic increase.</p> <p>7 Did I read that accurately?</p> <p>8 A. Yes.</p> <p>9 Q. And then he says: What I don't have access to is</p> <p>10 the number of cases that were autopsied during those</p> <p>11 years, so I can't give you a percentage of cases that were</p> <p>12 ODs. Right?</p> <p>13 A. Yes.</p> <p>14 Q. And you used that term "ODs" earlier, and then in</p> <p>15 parentheses wrote: Opiates, prescription, et cetera.</p> <p>16 So is it your understanding that he was</p> <p>17 using it in the same way talking about the specific drugs?</p> <p>18 A. Correct, yes.</p> <p>19 Q. Okay. And your response is: This data was what</p> <p>20 I needed.</p> <p>21 And what about this data was what you needed</p> <p>22 in this instance?</p> <p>23 A. It just gave me a -- because I was asked to find</p> <p>24 out -- try to get some general numbers on overdose deaths</p> <p>25 in Tarrant County, and -- and this was helpful based on</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. So this is a couple weeks after your last</p> <p>2 communication that we just looked at. You wrote: I was</p> <p>3 off last week and just saw you had Dr. David deGregorio --</p> <p>4 David Gregorio presented information this morning on</p> <p>5 Tarrant County opioid overdoses from 2015 to present. As</p> <p>6 I mentioned in previous e-mails, I am collecting stats for</p> <p>7 staffing purposes and trying to project future workload</p> <p>8 measures for the Tarrant County narcotics unit. I would</p> <p>9 have been very interested to hear Dr. Gregorio present his</p> <p>10 numbers, trends, et cetera. Will he be giving future</p> <p>11 presentations? And if not, would it be possible for me to</p> <p>12 reach out to him to see if he would share his raw data</p> <p>13 with me?</p> <p>14 Did I read that correctly?</p> <p>15 A. Yes.</p> <p>16 Q. What did you mean here by "collecting stats for</p> <p>17 staffing purposes and projecting workload measures"?</p> <p>18 A. So -- and I -- I don't remember which chief I was</p> <p>19 talking with, but I know right about this time is when</p> <p>20 fentanyl and overdose deaths related -- that were tied in</p> <p>21 with opiates was kind of getting on the radar of our</p> <p>22 command staff. And I know we had seen an increase in it,</p> <p>23 just in the community, based on our investigations.</p> <p>24 And I was asked at some point to -- do you</p> <p>25 have enough help? We -- we're hearing that this is a</p>
<p style="text-align: right;">Page 63</p> <p>1 what they've seen. It was just -- it was just a couple</p> <p>2 numbers that I could go back to my boss and say: This is</p> <p>3 what the Medical Examiner's Office is seeing currently.</p> <p>4 Q. Were you asked to get numbers on overdoses</p> <p>5 generally, or were you also asked to get, if you could,</p> <p>6 numbers on the breakdown of the types of overdoses, the</p> <p>7 types of drugs involved?</p> <p>8 MS. ABSTON: Objection, form.</p> <p>9 THE WITNESS: I know overdoses were</p> <p>10 mentioned, and I know fentanyl was mentioned.</p> <p>11 BY MS. WOHL:</p> <p>12 Q. Can you turn to Exhibit -- Tab 5, Exhibit 5?</p> <p>13 This is Bates Number 00706306.</p> <p>14 (Exhibit 5 was marked for identification.)</p> <p>15 THE WITNESS: 308, 309 -- wait a minute.</p> <p>16 Oh, 306. Yes, I've got that.</p> <p>17 BY MS. WOHL:</p> <p>18 Q. And this looks like a continuation of the e-mail</p> <p>19 that we just looked at. But on the bottom of page 1,</p> <p>20 you've got an e-mail to Dr. Johnson. If you could review</p> <p>21 that and let me know when you're done.</p> <p>22 A. (Witness examines document.)</p> <p>23 Yes, I'm familiar with it.</p> <p>24 Q. Do you recall this e-mail?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 65</p> <p>1 crises, it's getting on -- you know, just my -- my</p> <p>2 perspective was it was getting on the radar of local</p> <p>3 political leaders, and so the sheriff was asking -- they</p> <p>4 were asking me, on behalf of the sheriff: Do we have</p> <p>5 enough staffing? Do we need more staffing? Try to -- try</p> <p>6 to see what's going on out there and, kind of, see if --</p> <p>7 things are on an increase and we need to, you know,</p> <p>8 increase staffing, increase resources.</p> <p>9 Q. Was this a different inquiry than the one before</p> <p>10 that was just about overdose numbers?</p> <p>11 A. No. I mean, it was -- it was the same general</p> <p>12 context, just trying to establish data on overdoses</p> <p>13 related to Tarrant County and -- and the surrounding</p> <p>14 areas.</p> <p>15 Q. Did you end up getting in touch or talking to</p> <p>16 Dr. Gregorio?</p> <p>17 A. I did, uh-huh.</p> <p>18 Q. And what was the nature of those conversations?</p> <p>19 A. I -- I don't recall entirely. I told him what my</p> <p>20 intention was, and I'd heard that he had done a</p> <p>21 presentation and had done some research in this area, and</p> <p>22 he said he'd be happy to share his PowerPoint with me, and</p> <p>23 he sent me his PowerPoint.</p> <p>24 Q. And I think I've got that in the notebook</p> <p>25 somewhere that we'll get to you.</p>

<p style="text-align: right;">Page 66</p> <p>1 But did you use that PowerPoint, rely on it, 2 send it to anybody? 3 A. Yes. So I -- I pulled some of the numbers off 4 there that I presented to my command staff. I believe I 5 sent that PowerPoint to Calvin Bond, maybe -- maybe Chief 6 Simonds. I sent it to a couple people in my chain of 7 command at their request. 8 Q. We may get to that a little bit later. 9 Let's turn to Tab 6, which will be 10 Exhibit 6. This is Bates Number 00706310, and it's an 11 e-mail from you to Calvin Bond dated March 24, 2017, with 12 a subject: CNET projections. And take a second to 13 review, and let me know when you're ready. 14 A. (Witness examines document.) 15 (Exhibit 6 was marked for identification.) 16 THE WITNESS: Okay. 17 BY MS. WOHL: 18 Q. Do you remember this e-mail? 19 A. Well, it's coming back to me now that I'm reading 20 it, yes. 21 Q. It looks like Commander Bond sent you a draft of 22 e-mail that he intended to Kandice, sending her drug stats 23 she requested, and he asked you to review the draft. 24 Does that appear correct? 25 A. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 overdose deaths that I had received stats on, they were 2 asking for more specifics on -- more specific drugs, such 3 as THC, hashish and designer drugs. 4 Q. And looks like Commander Bond provided those drug 5 stats on those specific drugs you just mentioned. 6 A. I think -- you know, I don't recall. By the 7 looks of this, I -- if I recall, I got those stats and 8 sent them to Calvin, Calvin Bond. 9 Q. Okay. 10 A. Oh, I -- well, let me -- let me look again. You 11 know what? I'm just -- I'm just not sure if he generated 12 these stats or it was me. 13 Q. That's okay. We'll say it could have been either 14 one of you. 15 It looks the way e-mail is set up is that 16 you added notes at the bottom, and then under Commander 17 Bond's signature, there's a couple paragraphs there 18 that -- those may be the -- the notes that you added, if 19 you're able to tell? And let me know. 20 A. It -- it would make sense that -- that those came 21 from me, because generally that's something I would be 22 tasked with. 23 Q. Okay. Commander Bond goes on to write -- and 24 it's that paragraph that starts out: Please... The 25 second sentence says: Based on my experience and the</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Who is Kandice? 2 A. I don't recall. 3 Q. Do you have any knowledge of why somebody might 4 be requesting this information from Commander Bond? 5 A. I -- I don't. And, again, I don't -- the name 6 looks familiar, I'm just not familiar with who Kandice is. 7 Q. That's okay. 8 Commander Bond wrote: We have several 9 e-mails and calls -- 10 A. Where is this? 11 Q. This is -- sorry. If you go down, one, two -- 12 three paragraphs, and it's the third sentence starting: 13 We have several e-mails and calls to Medical Examiner's 14 Office on the drug overdose deaths so far this year. As 15 soon as they respond, I will get that info to you. 16 Do you see that? 17 A. Yes, I do. 18 Q. So it sounds like this is a lot of requests for 19 the same data that we've seen in the last couple of 20 exhibits in the e-mails to Michael Floyd and Dr. Johnson 21 requesting overdose data. 22 Do you have any knowledge of whether this is 23 a separate request or part of the same request that we've 24 been looking at? 25 A. It -- it looks like the -- in addition to the</p>	<p style="text-align: right;">Page 69</p> <p>1 direction and workload of our unit, I would predict that 2 the amount of methamphetamine and heroin seized will 3 increase as well this year. I would expect a 20 to 4 50 percent increase for both. 5 With your experience on CNET, is that a 6 statement that you can say you either came up with or you 7 agree with? 8 A. I -- I would agree with that. 9 Q. And if those paragraphs at the bottom are what 10 you added, the notes you added, based on your discussions 11 with the forensic analysts at Tarrant County Medical 12 Examiner's Offices, the Tarrant County Medical Examiner's 13 Office was seeing more than 50 percent increase in THC 14 edible cases, a large increase in hash oil, increases in 15 fentanyl, and a steady increase of NBOMe submissions; is 16 that right? 17 A. Yes. That's what it says. 18 Q. And does that information generally sound right 19 for the time that we're in here? 20 MS. ABSTON: Objection, form. 21 THE WITNESS: Well, I would -- I would rely 22 on it if -- if that's what they sent, based on the 23 information that they have. 24 BY MS. WOHL: 25 Q. Okay. But in your experience in March of 2017,</p>

<p style="text-align: right;">Page 70</p> <p>1 none of that sounds wrong to you, right, in terms of the  2 increases in edible THC and NBOMe cases?  3 MS. ABSTON: Objection, form.  4 THE WITNESS: I did not have any experience  5 with NBOMe investigations during my tenure there, but I  6 know there was a significant increase in THC seizures.  7 BY MS. WOHL:  8 Q. What were NBOMes?  9 A. I'm sorry?  10 Q. What are NBOMes? What does that mean?  11 A. You know what? I've received training on that.  12 It's been a long, so I -- I wouldn't be able to comment on  13 that.  14 Q. Is it an illicit substance?  15 MS. ABSTON: Objection, form.  16 THE WITNESS: If memory serves, it's a --  17 it's a designer drug. But short of that, I don't recall  18 any specifics about it.  19 Q. Okay. Can you turn to Tab 7? And this will be  20 Exhibit 7, Bates Number 00706312.  21 (Exhibit 7 was marked for identification.)  22 BY MS. WOHL:  23 Q. And this is a string of e-mails between you and  24 David Gregorio from March 30th, 2017, through April 12th,  25 2017. And this is the same Dr. Gregorio that we were</p>	<p style="text-align: right;">Page 72</p> <p>1 look at opiate overdoses?  2 A. Yes, that was part of the conversation.  3 Q. Part of which conversation?  4 A. Well, I was -- during several conversations  5 that -- with my bosses about overdose deaths, specifically  6 fentanyl and opiates, were eventually mentioned.  7 Q. Do you have an understanding of why fentanyl and  8 opiates were -- were -- information on those were sought?  9 MS. ABSTON: Objection, form.  10 THE WITNESS: From my understanding, it was  11 because we were seeing a big increase in those in our  12 communities.  13 BY MS. WOHL:  14 Q. And then on April 11, 2017, Dr. Gregorio writes  15 back: I was given the task of putting together a lot of  16 data from the TCME cases from 2015-2016. As such, there  17 are thousands of cases, so I've gotten through probably  18 5/8 to 3/4's of 2015 only. That is what the attached PP  19 file encompasses. My research begins on Slide 32.  20 Do you see that?  21 A. I do, yes.  22 Q. And then on the next three paragraphs on that  23 second page, we see the -- he's providing the 2015-2016  24 overdose numbers as given to him by Dr. Johnson.  25 Does that look right?</p>
<p style="text-align: right;">Page 71</p> <p>1 talking about earlier, right?  2 A. Yes.  3 Q. Is he a medical doctor, that you know of?  4 A. I -- I believe so. I -- I -- it was my  5 understanding that he had put -- gathered data for his  6 presentation while he was doing a -- a stint of service at  7 the Medical Examiner's Office. I don't know if he had  8 obtained his Ph.D. at that point or not; I don't remember.  9 Q. At the bottom of the e-mail string, you first  10 wrote to Dr. Gregorio on March 30, 2017: I am looking for  11 specific data on how many opiate overdoses Tarrant County  12 had the last couple of years and if there are any overdose  13 projections for the near future.  14 Do you see that?  15 A. Yes.  16 Q. So this is a little bit more specific than the  17 request for information that we've seen in the previous  18 e-mails.  19 Do you recall when you were asked to obtain  20 information on -- specific to opiate overdoses?  21 A. It would have been right around this same time.  22 Q. And were those connected to the requests that you  23 were receiving from the sheriff?  24 A. Yes.  25 Q. Did the sheriff make a specific request to you to</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Yes.  2 Q. And it states that: In 2015, there were 141 drug  3 overdose deaths caused by or related to opioid use.  4 Do you see that?  5 A. Yes.  6 Q. And 66 of those were related to heroin use; is  7 that right?  8 A. Yes, that's what it says.  9 Q. Do you have any information or knowledge of what  10 the other overdose deaths were related to?  11 A. I -- I wouldn't -- I wouldn't be able to comment  12 on that.  13 Q. And then, in 2016, there were 173 drug overdose  14 deaths caused or related to opioid use, which is an  15 increase, and 62 were related to heroin use.  16 Do you see that?  17 A. Yes.  18 Q. And this includes the statistic that 11 were  19 related to the fentanyl analog, which is when TCME began  20 testing for it; is that right?  21 A. Yes.  22 Q. So is it possible that, prior to 2016, there were  23 opioid overdose deaths attributable to or related to  24 heroin, but the medical examiners weren't testing for  25 fentanyl -- I'm sorry -- related to fentanyl, but they</p>



<p style="text-align: right;">Page 74</p> <p>1 weren't testing for fentanyl so it would just fall under  2 the non-heroin overdose?  3 MS. ABSTON: Objection, form.  4 THE COURT REPORTER: Yeah. Could you slow  5 down a little bit?  6 MS. WOHL: Yeah. I'm sorry. And that was  7 inartful.  8 THE COURT REPORTER: Thank you.  9 BY MS. WOHL:  10 Q. And my -- my question is: So in 2016, if they  11 started testing for fentanyl, it's possible that in 2015  12 some of those overdose deaths could have been related to  13 fentanyl, but since they weren't testing for fentanyl, we  14 don't know?  15 MS. ABSTON: Objection, form.  16 THE WITNESS: I was told by the Medical  17 Examiner's Office that because we were seeing such a huge  18 increase in fentanyl analog, basically homemade --  19 homemade fentanyl pills, in our area, that the ME's office  20 found it -- that it's important for them to start testing  21 for that, both for toxicology results so we can -- so as  22 we submit a drug exhibit, for example, to the ME, so they  23 can test for in-house and tell us what it is, without  24 having to send to a -- an associate lab. And also, it was  25 relayed to me that, that way, they could also test for it</p>	<p style="text-align: right;">Page 76</p> <p>1 BY MS. WOHL:  2 Q. Did it encompass anything else, other than what I  3 mentioned?  4 A. I know we were tracking, but we were seeing a  5 definite increase in seizures of prescription -- let me  6 rephrase that.  7 We were seeing an increase in seizures of  8 tablets and syn- -- so, basically, pharmaceutical grade  9 regulated pills versus -- and also pills that were made by  10 clandestine labs, we were seeing an increase in that. So  11 I wanted to start tracking that as well.  12 Q. And was that part of the directive, or was that  13 your own initiative based on what you were seeing?  14 MS. ABSTON: Objection, form.  15 THE WITNESS: It was one of the things I was  16 asked about. And when I talked the Medical Examiner's  17 Office and they told me what they were seeing, it just  18 started really getting on my radar. And I knew from being  19 a -- my assignment out at CNET, that I had some  20 investigators that were falling into these groups that  21 were investigating that were engaging in distribution of,  22 basically, homemade pharmaceuticals.  23 BY MS. WOHL:  24 Q. Tell me a little bit more about that. What are  25 the groups who were engaging in that?</p>
<p style="text-align: right;">Page 75</p> <p>1 during their in-house toxicology during their autopsy  2 investigations.  3 BY MS. WOHL:  4 Q. When he uses the terminology here "drug overdose  5 deaths caused by or related to opioid use," what do you  6 understand the "related to opioid use" to be?  7 MS. ABSTON: Objection, form.  8 THE WITNESS: Generally, on -- my  9 understanding is somebody may pass away, for instance, and  10 they do an autopsy and there's other contributing causes  11 to the death; however, during toxicology, it is shown that  12 there were levels, detectable levels of opiates in their  13 system, it -- it could be listed as a contributing factor  14 but not necessarily the primary cause, if that makes  15 sense.  16 BY MS. WOHL:  17 Q. And then at the top of the e-mail, if you go back  18 to the first page of that exhibit, you say that: This  19 information is very interesting and useful to my project.  20 And just to clarify, your project at that  21 time was this broad inquiry about overdose and opiate  22 overdose, including fentanyl, from the sheriff; is that  23 right?  24 MS. ABSTON: Objection, form.  25 THE WITNESS: That's correct.</p>	<p style="text-align: right;">Page 77</p> <p>1 A. Well, we had detectives --  2 MS. ABSTON: Objection, form.  3 THE WITNESS: I'm sorry.  4 MS. ABSTON: Go ahead. You can answer.  5 THE WITNESS: Okay. Thank you.  6 We had detectives that just through the  7 normal course of their investigations -- I know, one in  8 particular, that received information about some people  9 that were selling designer drugs, if you will, that kind  10 of had the fentanyl analog, and I don't know at the time  11 if they were manufacturing them themselves or just  12 trafficking them, but these would be pills that were  13 fentanyl analogs, much like the U-47000, and not  14 pharmaceutical grade, if that makes sense.  15 BY MS. WOHL:  16 Q. You may have to dumb it down a little more for  17 me.  18 So when you say "not pharmaceutical grade,"  19 what do you mean by that?  20 MS. ABSTON: Objection, form.  21 THE WITNESS: We have -- so you have your --  22 what I consider pharmaceutical grade is things -- is  23 tablets that are -- pills or tablets that are manufactured  24 by a reputable pharmaceutical company. You -- you have  25 people in the illicit drug trade that are buying these</p>

<p style="text-align: right;">Page 78</p> <p>1 precursor chemicals, and they are using these precursor  2 chemicals here domestically with no over- -- professional  3 oversight, and they're making these in clandestine labs.  4 BY MS. WOHL:  5 Q. With pill presses?  6 A. Yes. Ultimately, they all -- most of the -- most  7 of our formed and shaped pills would come from some -- a  8 pill press somewhere.  9 Q. Are these pills that are made in the clandestine  10 laboratories as opposed to a pharmaceutical company  11 distinguishable in -- in physical appearance from the  12 pills that do come from the pharmaceutical companies?  13 A. I have seen both. I have seen pills that are not  14 -- have no stamps or markings or scores, and then I've  15 also seen tablets that are designed and made and imprinted  16 to look like a legitimate medication that was made by a  17 pharm- -- a former pharmaceutical company, if that makes  18 sense.  19 Q. It does.  20 And are they distinguishable chemically?  21 Can a laboratory distinguish between the ones made by a  22 pharmaceutical company and the ones made in a clan lab  23 with a pill press?  24 MS. ABSTON: Objection, form.  25 THE WITNESS: I -- I can't say that they can</p>	<p style="text-align: right;">Page 80</p> <p>1 a -- an illicitly made pill?  2 A. Yes, because --  3 MS. ABSTON: Objection, form.  4 THE WITNESS: It -- it's possible. Because  5 if we seize -- say we seize ten pills off of somebody on a  6 street arrest and send them to the lab and the lab comes  7 back that the pills have different levels of precursor,  8 that -- that could be indicative of a clandestine lab,  9 that it was manufactured clandestinely.  10 BY MS. WOHL:  11 Q. In an investigation when you get that kind of  12 information that it is -- there's possibly a clandestine  13 laboratory involved in manufacturing the pills, what's the  14 follow-up that you do in terms of an investigation?  15 MS. ABSTON: Objection, form.  16 THE WITNESS: My recommendation would be to  17 go to the investigator and talk to the source of those  18 pills and, with great intention, try to pursue the -- up  19 the food chain, so to speak, of where the pills came from.  20 Our -- our goal is always to get to the manufacture if we  21 can and find that pill press.  22 BY MS. WOHL:  23 Q. Turn to Tab 8, which will be our Exhibit 8. This  24 is 683034.  25 (Exhibit 8 was marked for identification.)</p>
<p style="text-align: right;">Page 79</p> <p>1 do that every time; however, I know that when you're  2 making these drugs clandestinely, you don't carry -- you  3 don't care about the percentage of the active ingredient  4 in your pills. And what I mean by that is -- the analogy  5 I use is: If you take a cup of flour, white flour and put  6 it in a bowl, and then you take two tablespoons of red  7 paprika and you mix it up in the same bowl, you're going  8 to have white flour and red paprika. However, when you  9 spoon that out and you're putting it into your dies to  10 stamp your pills, some teaspoons are going to have a  11 little more paprika in it than the others.  12 And -- and I think -- it's my understanding  13 that that is why these overdoses occurs. Because I can  14 buy five clandestine pills from somebody, but they don't  15 all have the exact same amount of active ingredient. So I  16 can --  17 Q. That makes sense.  18 A. And whereas you're buying -- you know, you're  19 buying a -- for instance, you're buying a OxyContin from  20 your pharmacy, and they're all colored the same way,  21 scored the same way, and they generally all have either 5,  22 10, 15, 20 milligrams of active ingredient in there, so to  23 speak, and -- so it's much more regulated and controlled.  24 Q. So that might be one way a lab could tell the  25 difference between a pharmaceutical company-made pill and</p>	<p style="text-align: right;">Page 81</p> <p>1 THE WITNESS: Yes, I have it.  2 BY MS. WOHL:  3 Q. Great.  4 The bottom e-mail is from you to Calvin Bond  5 dated April 12th, 2017, with the subject: Opiate and OD  6 Data.  7 Do you see that?  8 A. Yes.  9 Q. And this looks like it was on the same day as  10 your e-mail to Dr. Gregorio when you told him that the  11 information he gave you was interesting and useful for the  12 project, that same April 12th; is that right?  13 A. Yes.  14 Q. So it looks like you may be passing on the  15 information that you got from Dr. Gregorio to  16 Commander Bond. Is that your understanding?  17 A. Yes, I think that's accurate.  18 Q. And then Commander Bond forwards your e-mail to  19 Kandice Boutte and wrote: These stats fall in line with  20 what we're seeing on the street. Prescription drugs,  21 heroin, and fentanyl use and overdoses are on the rise and  22 I believe will continue to rise for the next few years.  23 Do you see that?  24 A. I do.  25 Q. Now having seen her last name, Kandice S. Boutte,</p>

<p style="text-align: right;">Page 82</p> <p>1 any recollection of who that is?</p> <p>2 A. Yes. I -- I didn't know her at the time, but --</p> <p>3 but she does work for Tarrant County.</p> <p>4 Q. Do you know what she does?</p> <p>5 A. The last time I -- I spoke with her, I believe</p> <p>6 she was assigned to our county administrator's office.</p> <p>7 Q. And do you have any sense of what her duties are</p> <p>8 or her position?</p> <p>9 A. I -- I don't.</p> <p>10 Q. And he says in there: The stats fall in line</p> <p>11 with what we're seeing on the streets in terms of</p> <p>12 prescription drugs, heroin, fentanyl use, and overdoses.</p> <p>13 But just to be clear, in the information</p> <p>14 that Dr. Gregorio sent, there wasn't any information on</p> <p>15 prescription drugs; is that right?</p> <p>16 MS. ABSTON: Objection, form.</p> <p>17 THE WITNESS: I -- I would have to go back</p> <p>18 and look at his PowerPoint again to be sure.</p> <p>19 BY MS. WOHL:</p> <p>20 Q. Okay. Let's go to -- we're going to skip around</p> <p>21 a little bit -- Tab 13 now. This is going to be our</p> <p>22 Exhibit 9. This is 00 --</p> <p>23 CONCIERGE: I'm sorry. Could you give me</p> <p>24 the tab again, please?</p> <p>25 MS. WOHL: Yes, 13.</p>	<p style="text-align: right;">Page 84</p> <p>1 you: Do you have info on the trend this year?</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know what he was -- he meant by that</p> <p>5 question?</p> <p>6 A. It looks like he's referring to projections as</p> <p>7 far as prescription medication and users of</p> <p>8 fentanyl-related deaths. I think it's in line with what I</p> <p>9 had been asked up to that point, as far as opioids and</p> <p>10 opiates.</p> <p>11 Q. And then if you look at your response, you say:</p> <p>12 Based on what we have seen over the last few months, I</p> <p>13 expect that we will see more prescription medication</p> <p>14 abusers transitioning to heroin because the high is much</p> <p>15 cheaper.</p> <p>16 What did you mean by "prescription</p> <p>17 medication abusers"?</p> <p>18 MS. ABSTON: Objection, form.</p> <p>19 THE WITNESS: Based on -- at that time, we</p> <p>20 had seen a -- in my opinion and what we were seizing is</p> <p>21 heroin was much more prevalent in our area than what I had</p> <p>22 been exposed to previously. And the -- I noticed the</p> <p>23 price had come down. And some of the people that we were</p> <p>24 arresting for distributing heroin, during our interviews</p> <p>25 with them -- and, also, we would con- -- for instance, we</p>
<p style="text-align: right;">Page 83</p> <p>1 CONCIERGE: Thank you.</p> <p>2 MS. WOHL: And the Bates number is 00706329.</p> <p>3 (Exhibit 9 was marked for identification.)</p> <p>4 THE WITNESS: I have that.</p> <p>5 BY MS. WOHL:</p> <p>6 Q. Great.</p> <p>7 The bottom e-mail on this is from you to</p> <p>8 Sheriff Waybourn dated May 9th, 2017.</p> <p>9 Do you see that?</p> <p>10 A. Yes -- I'm sorry. What date did you have?</p> <p>11 Q. May 9th, '20 --</p> <p>12 A. Yes, at the bottom. I see that.</p> <p>13 Q. Do you recall sending this e-mail?</p> <p>14 A. I'll have to read it. If you can just give me a</p> <p>15 second.</p> <p>16 Q. Yes, of course.</p> <p>17 A. (Witness examines document.)</p> <p>18 Yes, I recall this e-mail.</p> <p>19 Q. And do you know why you were sending this</p> <p>20 information to Sheriff Waybourn?</p> <p>21 A. Somebody -- well, it would have been for -- the</p> <p>22 sheriff was requesting just projections on what we were</p> <p>23 anticipating and what we were seeing in our investigative</p> <p>24 efforts in -- on the street level.</p> <p>25 Q. And in the next e-mail, Sheriff Waybourn asks</p>	<p style="text-align: right;">Page 85</p> <p>1 would conduct surveillance on a -- on a house suspected of</p> <p>2 distributing heroin, and we might see a vehicle show up,</p> <p>3 stay a short time. We developed probable cause, stopped</p> <p>4 them, and subsequently, they were in possession of heroin.</p> <p>5 So we debriefed them, attempt to get their intel --</p> <p>6 intelligence related to what happened, and we were</p> <p>7 hearing that -- and -- and I also learned this in the</p> <p>8 course of some of my interviews with heroin suspects, is a</p> <p>9 lot of the -- we were seeing a trend -- I was seeing a</p> <p>10 trend, based on my conversations and interviews, that</p> <p>11 there were people that were, at some point, legitimately</p> <p>12 prescribed a prescription painkiller or opiate and, at</p> <p>13 some point, developed a level of addiction. And they, at</p> <p>14 some point, in struggling with this addiction, had</p> <p>15 switched to heroin.</p> <p>16 And my understanding of it is the heroin</p> <p>17 is -- or the -- the opioids -- the prescription opiates</p> <p>18 are cleaner, so people will often transition -- because</p> <p>19 sometimes it's hard to -- to get prescription pills if you</p> <p>20 don't have a prescription or know somebody that has them,</p> <p>21 but it's a lot easier, if you know the right people, just</p> <p>22 to get heroin.</p> <p>23 And once -- some people in extreme cases,</p> <p>24 when your addiction really gets out of control, you</p> <p>25 just -- you built up a tolerance pretty quickly of</p>

<p style="text-align: right;">Page 86</p> <p>1 prescription painkillers, so in order to, they say, chase 2 the high, it is useful for them to switch to heroin. They 3 find it beneficial to them to switch to heroin, because 4 it's less expensive, and it -- it helps them fulfill 5 their -- the needs of their addiction. 6 Q. The last two sentences of your response, you say: 7 I anticipate we will have both more overdoses and more 8 nonfatal fentanyl overdoses thanks to Narcan being 9 administered to victims. The Medical Examiner's Office 10 told me they expect to see an increase in opiate-related 11 deaths in the future. 12 Do you see that? 13 A. Yes. 14 Q. And when you say you anticipate you'll have more 15 overdoses, was that because of the increase in fentanyl or 16 something else? 17 MS. ABSTON: Objection, form. 18 THE WITNESS: Based on what I was seeing, 19 heroin was coming into our areas a lot more. There was a 20 high demand for prescription painkillers. And also, I was 21 seeing a trend where we would -- I mean, historically, 10 22 or 15 years prior to this, when we would target a drug -- 23 a drug dealer and we would arrest them, you know, maybe 24 they were a meth dealer; maybe they were a cocaine dealer 25 or a marijuana dealer, and we start -- we -- there's just</p>	<p style="text-align: right;">Page 88</p> <p>1 hands on. And -- and from my previous experience, that 2 was uncommon. And just, like I mentioned, the -- the 3 ease -- the availability and ease of getting larger 4 quantities of heroin, it -- it was just so much -- it -- 5 it just seemed so much easier during -- during this time. 6 And also, we did catch people -- we -- we 7 did arrest some people that had fairly large quantities of 8 heroin on them, and when we would -- well, let me back up 9 just a minute, if I may. 10 During our surveillance on some of our 11 heroin distributors, we were seeing -- it was -- it was an 12 observation by our investigators that they would 13 comment -- we were seeing, like, newer, late-model 14 vehicles. People that tend to be white, tend to be better 15 dressed -- I don't want to say only white -- but tend to 16 look like they come from a different neighborhood than the 17 one we might have been sitting in. And when we arrested 18 these drug dealers and -- and found them in possession of 19 this quantity of heroin, and we debriefed them, it just -- 20 for example, one of these drug dealers told us that 21 their -- their favorite client was a rich white woman, 22 because she always paid cash. And another one would call 23 them soccer moms, that: Hey, I don't have to deal with 24 tweakers anymore; I've got soccer moms that are -- that 25 are -- that are in demand and that want -- want my</p>
<p style="text-align: right;">Page 87</p> <p>1 been this huge outburst of poly drug dealers. 2 And what I mean by "poly drug dealers" is, 3 they see the profit margin for getting involved in these 4 counterfeit fentanyl pills and the heroin that's -- that's 5 been de- -- in demand. So, historically, where somebody 6 might just deal meth or might deal cocaine, now they're -- 7 what I mean by poly drug dealers is when you raid their 8 house, they have several types of narcotics in their 9 possession because they know there's a market for. 10 And my experience has been, historically, 11 prior to this time, people generally stuck with one or two 12 general drugs or -- or a -- a -- a family of drugs, if you 13 will. We've always had our people that dealt 14 traditionally in marijuana or Ecstasy or meth or cocaine, 15 but it just seemed like you -- we were arresting more and 16 more people who had multiple types and multiple quantities 17 of drugs in their possession. 18 Q. So you're seeing more of a -- a crossover -- you 19 know, I would -- I would interpret that as, you know, 20 you've got the opiate family, and then meth would be 21 another big one. So were you seeing some kind of 22 crossover between those two categories of drugs? 23 MS. ABSTON: Objection, form. 24 THE WITNESS: Yeah, I -- I think whatever 25 the -- whatever they could sell, they were getting their</p>	<p style="text-align: right;">Page 89</p> <p>1 product. And those were his -- they were telling me those 2 were their predominately -- their predominant preference 3 of customer. 4 Q. In the -- the very top e-mail, it looks like you 5 sent this e-mail to yourself back in August, 2017. 6 Any recollection of why? 7 A. You know, the -- at some point in our e-mail 8 system here in Tarrant County, when I would send an 9 e-mail, it automatically went to me. I don't think that 10 was intentional for any reason. 11 Q. Let's go back where it's to Tab 9, and this will 12 be our Exhibit 10. 13 (Exhibit 10 was marked for identification.) 14 BY MS. WOHL: 15 Q. The Bates number on Tab 9 is 00833329. 16 A. I have it. 17 Q. So the bottom e-mail is sent by you to Sheriff 18 Waybourn and Calvin Bond on August 2nd, 2017. And it's 19 pretty identical to the e-mail that we just looked at that 20 was sent to Sheriff Waybourn on May 2017, with the 21 addition of two sentences in the first paragraph. And 22 also you're forwarding a PowerPoint presentation. 23 Do you see that? 24 A. I do, yes. 25 Q. Do you know why you were sending Sheriff Waybourn</p>

<p style="text-align: right;">Page 90</p> <p>1 the same information that you sent him a few months 2 earlier? 3 MS. ABSTON: Objection, form. 4 THE WITNESS: I'm sorry. That I sent the 5 sheriff? 6 BY MS. WOHL: 7 Q. Yes. 8 A. The only reason I would resend it is if it was 9 requested again. 10 Q. And do you have any recollection of whether it 11 was requested again? 12 A. I -- I don't, but I -- I mean, I don't -- I 13 wouldn't have intentionally sent it -- sent them the same 14 information for no reason. 15 Q. The second-to-last paragraph that you added to 16 the -- the May 2017 e-mail reads: As I told you earlier, 17 we are seeing an increase in counterfeit pharmaceuticals 18 being made and distributed in Tarrant County. We have 19 seen both counterfeit hydrocodone and Xanax that contained 20 the U-47700 fentanyl analog in our area. 21 Do you see that? 22 A. Yes. 23 Q. Do you know if this was new information since 24 May 2017 that you added? 25 A. I'm sorry. I'm trying to find the date of that.</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Yes. 2 Q. Who is Garland Payne? 3 A. He was one of our lieutenants. 4 Q. Why did you forward this e-mail and presentation 5 to him? 6 A. It looks like he called me and was inquiring 7 about the information that I had obtained from the Medical 8 Examiner's Office, so I shared it with him. 9 Q. Do you know why he wanted it? 10 A. I believe, at this time, he was assigned out at 11 North Texas HIDTA, and it may have been part of his duties 12 out there that he was trying to get it -- get that 13 information. 14 Q. Okay. Can you turn to Tab 10? This will be 15 Exhibit 11. 16 (Exhibit 11 was marked for identification.) 17 BY MS. WOHL: 18 Q. And this is Bates Number 00833331. See that? 19 MS. ABSTON: Counsel, we've been going for 20 about an hour. After this one, do you anticipate we may 21 be taking a lunch break? 22 MS. WOHL: Yes. That is fine with me. 23 Let's -- I don't have a lot of questions on this 24 exhibit -- 25 MS. ABSTON: Okay.</p>
<p style="text-align: right;">Page 91</p> <p>1 Was that August 2nd? 2 Q. Yeah. So this is an August 2nd e-mail that 3 relays the same information that was in the May 2017 4 e-mail, with the addition of that -- that sentence I just 5 read. 6 MS. ABSTON: Objection, form. 7 THE WITNESS: I'm sorry. So just for 8 clarification, could you restate your question, please? 9 BY MS. WOHL: 10 Q. Yes. 11 So that paragraph that starts: As I told 12 you earlier, that's the addition to this e-mail of the 13 information that -- it was sent in May. 14 Do you know whether that was new information 15 in August of 2017? 16 A. I don't -- 17 MS. ABSTON: Objection, form. 18 THE WITNESS: I don't know for sure. 19 BY MS. WOHL: 20 Q. Okay. And then if you go to the first page of 21 that exhibit, you forwarded the e-mail to Garland Payne 22 with the comment: This is what I -- I lost my place -- 23 this is what I sent the sheriff, reference data and stats 24 on heroin/opiates. 25 Do you see that?</p>	<p style="text-align: right;">Page 93</p> <p>1 MS. WOHL: -- so let's get back to this in a 2 second. 3 BY MS. WOHL: 4 Q. Okay. I'm not going to go through this 50-page 5 presentation, other than to ask you if this is the 6 presentation that you -- you believe you sent to Sheriff 7 Waybourn and Lieutenant Payne? 8 Do you recognize that? 9 A. Yes. 10 Q. And the author of this presentation is David 11 Gregorio, the medical student that you were previously 12 communicating with to obtain the overdose data; is that 13 right? 14 A. Yes. 15 Q. And is this the PowerPoint presentation that he 16 sent you during his communications with you? 17 A. Yes, that looks like it. 18 Q. And you mentioned earlier that you know you've 19 sent it to a couple people, which we've seen. Do you know 20 whether it was presented to a group or relied upon beyond 21 which you used it for in sending to people? 22 MS. ABSTON: Objection, form. 23 THE WITNESS: I -- I don't know if anybody 24 used this specific PowerPoint for a presentation. 25 BY MS. WOHL:</p>



<p style="text-align: right;">Page 94</p> <p>1 Q. Okay.</p> <p>2 MS. WOHL: Let's go off the record.</p> <p>3 THE VIDEOGRAPHER: The time is 12:14 p.m.</p> <p>4 We are off the record.</p> <p>5 (Lunch break taken.)</p> <p>6 THE VIDEOGRAPHER: The time is 12:33 p.m.</p> <p>7 We are on the record.</p> <p>8 BY MS. WOHL:</p> <p>9 Q. Welcome back. I know that was a short lunch</p> <p>10 break. Hopefully, you got what you needed, but we'll be</p> <p>11 done that much quicker.</p> <p>12 Can you turn to Tab 12, please? This will</p> <p>13 be our Exhibit 12.</p> <p>14 (Exhibit 12 was marked for identification.)</p> <p>15 THE WITNESS: Okay.</p> <p>16 BY MS. WOHL:</p> <p>17 Q. So this is an e-mail August of 2018, and I don't</p> <p>18 see that you're included in this, but the bottom e-mail</p> <p>19 was sent by David McClelland to Lieutenant Keith</p> <p>20 Hallenbeck -- Keitha Hallenbeck, Calvin Bond, and</p> <p>21 Mike Simonds requesting overdose statistics for 2016, '17,</p> <p>22 and currently in 2018.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. And David McClelland was Tarrant County Sheriff's</p>	<p style="text-align: right;">Page 96</p> <p>1 presentation," his reference in that e-mail?</p> <p>2 MS. ABSTON: Objection, form.</p> <p>3 THE WITNESS: I can't say specifically, but</p> <p>4 it's not uncommon during the year when we're preparing our</p> <p>5 budgets or -- generally, every department has to give a</p> <p>6 presentation to our governing body. It's not uncommon to</p> <p>7 give drug presentations of current drug trends to a</p> <p>8 governing body at the county. And it looks like that's</p> <p>9 why this information might have been requested.</p> <p>10 BY MS. WOHL:</p> <p>11 Q. And then Calvin Bond responds to David McClelland</p> <p>12 and states: Below is overdose data that Captain Heckman</p> <p>13 and I put together last year in order to get approval for</p> <p>14 our personnel to carry Narcan.</p> <p>15 Do you see that at the top of the exhibit?</p> <p>16 MS. ABSTON: Objection, form.</p> <p>17 THE WITNESS: Yes, I do.</p> <p>18 BY MS. WOHL:</p> <p>19 Q. And is that your recollection of how this</p> <p>20 information was used, to get approval for personnel to</p> <p>21 carry Narcan?</p> <p>22 MS. ABSTON: Objection, form.</p> <p>23 THE WITNESS: I don't recall that, but just</p> <p>24 gathering what I'm reading here in the context of this</p> <p>25 e-mail, I -- I do recall when Narcan was first coming on</p>
<p style="text-align: right;">Page 95</p> <p>1 Office Chief of Staff; is that right?</p> <p>2 A. Correct.</p> <p>3 Q. Who is Keitha Hallenbeck?</p> <p>4 A. So she's a lieutenant with -- with our agency.</p> <p>5 And at the time this e-mail was generated, I -- I had left</p> <p>6 CNET at the time. Prior to leaving CNET, there was a</p> <p>7 change. Lieutenant Don Harris left CNET and</p> <p>8 Lieutenant Hallenbeck came into CNET to replace him. And</p> <p>9 so just prior to this e-mail, she and I would have been</p> <p>10 the two group supervisors at CNET.</p> <p>11 Q. And do you know why David McClelland would have</p> <p>12 been asking Lieutenant Hallenbeck for these statistics?</p> <p>13 MS. ABSTON: Objection, form.</p> <p>14 THE WITNESS: I -- I -- I couldn't -- I</p> <p>15 don't know.</p> <p>16 BY MS. WOHL:</p> <p>17 Q. Do you have any knowledge of the budget</p> <p>18 presentation that he's speaking about in this e-mail?</p> <p>19 MS. ABSTON: Objection, form.</p> <p>20 THE WITNESS: I'd have to look over this.</p> <p>21 (Witness examines document.)</p> <p>22 I'm sorry. What -- what were you asking in</p> <p>23 a -- in a context of budgeting?</p> <p>24 BY MS. WOHL:</p> <p>25 Q. I asked if you knew what he meant by "budget</p>	<p style="text-align: right;">Page 97</p> <p>1 our radar and we were first trying to get Narcan for</p> <p>2 narcotics and for our field officers as well. We -- we</p> <p>3 can often have a pretty cumbersome purchasing process, and</p> <p>4 there were a lot of phone calls and discussions, and there</p> <p>5 was a lot of people involved in the decision of whether we</p> <p>6 needed to buy Narcan for our officers and our -- you know,</p> <p>7 to serve the community. So it -- it looks like that's</p> <p>8 kind of what they were referencing in this e-mail.</p> <p>9 BY MS. WOHL:</p> <p>10 Q. And we'll look at some more communications about</p> <p>11 the Narcan purchase later.</p> <p>12 Let's turn to Tab 14. And this is our</p> <p>13 Exhibit 13, Bates Number 00706323.</p> <p>14 A. Sorry. I'm trying to find that here. Give me --</p> <p>15 okay.</p> <p>16 (Exhibit 13 was marked for identification.)</p> <p>17 THE WITNESS: Okay. I think I have it.</p> <p>18 BY MS. WOHL:</p> <p>19 Q. Okay. So the bottom e-mail is an e-mail dated</p> <p>20 May 17th, 2017, sent to you -- sent from you to John --</p> <p>21 sorry.</p> <p>22 This is -- the bottom e-mail is May 10th,</p> <p>23 2017, sent by you to John Briggs with a subject: Narcan.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 Q. And based on the e-mail above with his signature,  2 John Briggs appears to be the Deputy Chief Forensic Death  3 Investigator for the Tarrant County Medical Examiner's  4 Office; is that correct?  5 A. Yes.  6 Q. Do you remember this e-mail communication?  7 A. I'd have to read over it.  8 (Witness examines document.)  9 Yes, I remember this.  10 Q. And it looks like Mr. Briggs, in the e-mail after  11 your first one, refers you to the Medical Examiner's  12 Office Quality Assurance and Safety Director, Chris  13 Heartsill.  14 Do you see that?  15 A. Yes.  16 Q. And then Mr. Briggs states to Chris Heartsill,  17 who is copied on that e-mail: But you are the supervisor  18 of the supervisor of the Sheriff's Department narcotics  19 unit.  20 Was that your role in May 2017?  21 A. Yes.  22 Q. Okay. And do you know what Mr. Briggs means by  23 his comment that -- the last phrase in that sentence:  24 Sends us a lot of business for the drug lab?  25 MS. ABSTON: Objection, form.</p>	<p style="text-align: right;">Page 100</p> <p>1 A. I don't -- I don't recall if I was tasked with  2 doing it for the whole department or just CNET, but  3 evidently that was a task given to me to find out what we  4 have to do to buy it.  5 Q. But you don't recall who might have given you  6 that task or directive?  7 A. I don't. It would've -- it would've come from  8 one of my chiefs, so either Commander Bond, at the time,  9 most likely, or it could have been Chief Simonds, but  10 Commander Bond would have had knowledge of that.  11 Q. Okay. Let's go to Tab 18. This will be our next  12 exhibit. I think it's Exhibit 14.  13 (Exhibit 14 was marked for identification.)  14 BY MS. WOHL:  15 Q. Bates number is 00684261.  16 A. Yes, I have that.  17 Q. Okay. Looking at the bottom e-mail, this is an  18 e-mail from Commander Bond dated August 23rd, 2017, to  19 Alma Espinosa.  20 You see that?  21 A. Yes.  22 Q. Who is Alma Espinosa?  23 A. I am not sure. I see her Tarrant County e-mail,  24 but I'm not sure.  25 Q. And the last paragraph in Commander Bond's e-mail</p>
<p style="text-align: right;">Page 99</p> <p>1 THE WITNESS: It looks like he's just  2 referring that our unit sends a lot of drug exhibits to  3 them for drug analysis.  4 BY MS. WOHL:  5 Q. And would that be drugs confiscated or seized by  6 Tarrant County Sheriff's officers?  7 A. Correct.  8 MS. ABSTON: Objection, form.  9 BY MS. WOHL:  10 Q. And would that also include prescription  11 medication that was seized in an investigation?  12 MS. ABSTON: Objection, form.  13 THE WITNESS: Yes. It would include any  14 type of drug, whether it's made in a pharmacy or it's an  15 illicit clandestine-manufactured drug that we had seized  16 pursuant to an investigation, and we needed a drug  17 analysis for the purpose of criminal prosecution.  18 BY MS. WOHL:  19 Q. Do you recall whether May 2017 was about the time  20 that you began looking into purchasing Narcan for the  21 sheriff's office?  22 A. Yeah, that time frame is accurate.  23 Q. And were you personally assigned to the task of  24 arranging for the purchase and supply of Narcan for the  25 sheriff's office?</p>	<p style="text-align: right;">Page 101</p> <p>1 reads: Our initial order will be for 75 units. Each unit  2 has two doses of the nasal Narcan. This will be enough to  3 issue to all of our patrol deputies, CID and narcotics  4 investigators, all of which are most likely to come in  5 contact with fentanyl.  6 Do you see that?  7 A. Again, I'm sorry. I don't see where you're  8 seeing that. Is that in the document on the screen?  9 MS. ABSTON: It's ending in Bates 62; is  10 that right, Gabe?  11 MS. WOHL: Yes, that's right. So it's the  12 second page of this.  13 THE WITNESS: 62. Okay. I'm sorry.  14 BY MS. WOHL:  15 Q. That's okay. That sentence that starts out: Our  16 initial order...  17 A. I see that, yes.  18 Q. Okay. Is it your recollection that the first  19 Narcan purchased for Tarrant County Sheriff's Office was  20 in August 2017?  21 A. I don't recall when it came in, but it would have  22 been around that time frame.  23 Q. And Commander Bond specifically states in this  24 e-mail that its use is for TCSO personnel that will come  25 into contact with fentanyl, doesn't he?</p>

<p style="text-align: right;">Page 102</p> <p>1 A. Yeah. So this -- this would have been consistent</p> <p>2 with the time frame when I first started tracking down how</p> <p>3 we would buy -- where we could purchase Narcan from.</p> <p>4 Q. Is that your recollection of the purpose of the</p> <p>5 acquisition here, to issue to officers who are most likely</p> <p>6 to come in contact with fentanyl?</p> <p>7 MS. ABSTON: Objection, form.</p> <p>8 THE WITNESS: Yes. I know the early</p> <p>9 discussions about the Narcan purchase were both for</p> <p>10 providing aid to our first responders who may come in</p> <p>11 contact with it, as well as if we encountered a citizen</p> <p>12 that -- that may need a Narcan dose.</p> <p>13 BY MS. WOHL:</p> <p>14 Q. So in this message from Commander Bond, he's</p> <p>15 talking about officers that come in contact with fentanyl.</p> <p>16 So Narcan would not need to be administered to an officer</p> <p>17 for exposure to prescription opioids, would it?</p> <p>18 MS. ABSTON: Objection, form.</p> <p>19 THE WITNESS: No, not generally.</p> <p>20 BY MS. WOHL:</p> <p>21 Q. In looking at the second e-mail from the top from</p> <p>22 Calvin Bond to Jerry Venum -- so that's the first page of</p> <p>23 this exhibit -- and Keitha Hallenbeck,</p> <p>24 Lieutenant Hallenbeck dated January 25th, 2018,</p> <p>25 Commander Bond wrote in the third sentence in paragraph 1:</p>	<p style="text-align: right;">Page 104</p> <p>1 broad term, like a fentanyl analog or something like that,</p> <p>2 yes.</p> <p>3 BY MS. WOHL:</p> <p>4 Q. Thank you.</p> <p>5 Do you know if Narcan has ever been used at</p> <p>6 Tarrant County Sheriff's Office for exposure by an officer</p> <p>7 or first responder?</p> <p>8 MS. ABSTON: Objection, form.</p> <p>9 THE WITNESS: Not to my knowledge.</p> <p>10 BY MS. WOHL:</p> <p>11 Q. Does the sheriff's office have any data</p> <p>12 concerning when Narcan has been used and the type of drug</p> <p>13 it was used for?</p> <p>14 A. I do not know.</p> <p>15 Q. Is there anybody who would know that?</p> <p>16 A. Our chief deputy, Tim Canas, might know that. He</p> <p>17 -- he's the chief over patrol, which is primarily field</p> <p>18 operations.</p> <p>19 Q. And the use of Narcan on a victim, as opposed to</p> <p>20 for officer exposure, would include many other</p> <p>21 applications aside from just prescription opioid overdose;</p> <p>22 is that right?</p> <p>23 MS. ABSTON: Objection, form.</p> <p>24 THE WITNESS: Yes. I mean, they -- I mean,</p> <p>25 you -- a -- a person can overdose from -- have an opiate</p>
<p style="text-align: right;">Page 103</p> <p>1 I was asked by Chief Simonds to get Narcan for the SO.</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And "SO" is sheriff's office, correct?</p> <p>5 A. That's correct.</p> <p>6 Q. And then in the second paragraph on about that</p> <p>7 third line, he wrote: I relied on Captain Heckman</p> <p>8 regarding the brand and dosage we should purchase.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And then further down: The purpose of Narcan is</p> <p>12 primarily for use on fellow officers when they are</p> <p>13 exposed.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Do you agree that that's the primary purpose of</p> <p>17 the Narcan?</p> <p>18 MS. ABSTON: Objection, form.</p> <p>19 THE WITNESS: Yes, I agree that's the</p> <p>20 primary reason that Tarrant County was purchasing it.</p> <p>21 BY MS. WOHL:</p> <p>22 Q. For use on fellow officers when they are exposed</p> <p>23 specifically to fentanyl, right?</p> <p>24 MS. ABSTON: Objection, form.</p> <p>25 THE WITNESS: Yes. Using fentanyl is a</p>	<p style="text-align: right;">Page 105</p> <p>1 overdose whether it's from a prescription medication or</p> <p>2 from an illicit drug, yes.</p> <p>3 BY MS. WOHL:</p> <p>4 Q. Turn to Tab 30. This will be Exhibit 15. Tab</p> <p>5 30, the Bates number ends in 00690608.</p> <p>6 (Exhibit 15 was marked for identification.)</p> <p>7 THE WITNESS: Okay. I have that.</p> <p>8 BY MS. WOHL:</p> <p>9 Q. Okay. This is a series of e-mails between you</p> <p>10 and Chris Heartsill from May 2017 to June 2017 with the</p> <p>11 subject: Opioid drugs and Naloxone.</p> <p>12 Does that appear correct?</p> <p>13 A. Yes.</p> <p>14 Q. And, again, Mr. Heartsill's title is the Equality</p> <p>15 Manager of Tarrant County Medical Examiner's Office,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 THE COURT REPORTER: Excuse me, guys. Can</p> <p>19 you hear me? This is the court reporter.</p> <p>20 MS. WOHL: Yes.</p> <p>21 THE COURT REPORTER: For some reason my</p> <p>22 Internet keeps dropping. Can we take a five-minute break</p> <p>23 so I can reconnect?</p> <p>24 MS. WOHL: Yes, of course.</p> <p>25 THE COURT REPORTER: I apologize. I just --</p>



<p style="text-align: right;">Page 106</p> <p>1 you'll see on the realtime, I just keep dropping.</p> <p>2 THE VIDEOGRAPHER: 12:50 p.m. We are off</p> <p>3 the record.</p> <p>4 (Brief recess taken.)</p> <p>5 THE VIDEOGRAPHER: The time is 12:58 p.m.</p> <p>6 We are on the record.</p> <p>7 BY MS. WOHL:</p> <p>8 Q. Captain Heckman, are you still on Tab 30 with me?</p> <p>9 A. Yes.</p> <p>10 Q. So we just identified this e-mail as a</p> <p>11 conversation between you and Chris Heartsill, and the --</p> <p>12 what was your understanding of Mr. Heartsill's role as</p> <p>13 quality manager?</p> <p>14 A. You know, I can't speculate on that. There's</p> <p>15 many facets of the Medical Examiner's Office, and I don't</p> <p>16 know what section -- if he's over all the whole -- the</p> <p>17 whole department, the whole office, or just maybe over the</p> <p>18 lab, so I can't speculate.</p> <p>19 Q. The bottom e-mail forwarded by Mr. Heartsill</p> <p>20 discusses the DEA warning regarding exposure to fentanyl.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And then on June 16th, 2017, you wrote back, and</p> <p>24 you responded: That's good stuff. Thank you. We came</p> <p>25 across some more U-47700 yesterday, and have a lead on the</p>	<p style="text-align: right;">Page 108</p> <p>1 (Exhibit 16 was marked for identification.)</p> <p>2 THE WITNESS: Okay. I have that.</p> <p>3 BY MS. WOHL:</p> <p>4 Q. Okay. So if you go to the bottom e-mail, towards</p> <p>5 the end of the exhibit, this was an e-mail dated</p> <p>6 October 5th, 2017, sent by Commander Bond to Catherine</p> <p>7 Colquitt, and some others, and you were copied on that</p> <p>8 e-mail.</p> <p>9 Do you see that?</p> <p>10 A. I'm sorry. You said October 5th is the date of</p> <p>11 the e-mail?</p> <p>12 Q. Yes. The e-mail from Calvin Bond to Catherine</p> <p>13 Colquitt and some others.</p> <p>14 MS. ABSTON: Do you know the last few Bates</p> <p>15 numbers on that one?</p> <p>16 MS. WOHL: Yep. 3010.</p> <p>17 MS. ABSTON: Okay.</p> <p>18 THE WITNESS: Okay. I have it now, yes.</p> <p>19 BY MS. WOHL:</p> <p>20 Q. Okay. Catherine Colquitt was the medical</p> <p>21 director at Tarrant County Public Health; is that right?</p> <p>22 A. I -- I know she worked there. I wasn't -- I</p> <p>23 don't recall what her role was at that time.</p> <p>24 Q. And Commander Bond sent this e-mail, because when</p> <p>25 you first began looking into purchasing Narcan around</p>
<p style="text-align: right;">Page 107</p> <p>1 local lab that has the pill presses. This stuff is</p> <p>2 getting pretty common.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And the U-47700 is the fentanyl analog; is that</p> <p>6 right?</p> <p>7 A. Yes.</p> <p>8 Q. How do you say that? Is there a shorthand for</p> <p>9 the letter and numbers?</p> <p>10 A. You know, some people just call them U-47 pills.</p> <p>11 We -- that's just how we generally refer to them.</p> <p>12 Q. And on June 19, 2017, Mr. Heartsill responds:</p> <p>13 Yes, we see this in many death cases, and it is making</p> <p>14 appearances all across the nation.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And was it your understanding that Mr. Heartsill</p> <p>18 was referring to this fentanyl analog?</p> <p>19 MS. ABSTON: Objection, form.</p> <p>20 THE WITNESS: That's what it looks like.</p> <p>21 BY MS. WOHL:</p> <p>22 Q. Let's turn to Tab 21.</p> <p>23 A. I'm sorry. 21?</p> <p>24 Q. Yeah, 21. This will be Exhibit 16, I believe.</p> <p>25 The Bates number is 683007.</p>	<p style="text-align: right;">Page 109</p> <p>1 May 2017, one of the things that you learned is that</p> <p>2 Tarrant County Sheriff's Office had to implement a Narcan</p> <p>3 policy; is that correct?</p> <p>4 MS. ABSTON: Objection, form.</p> <p>5 THE WITNESS: Yes. I do know that was</p> <p>6 something that was brought up.</p> <p>7 BY MS. WOHL:</p> <p>8 Q. And at least one of the reasons that Narcan was</p> <p>9 not purchased for several months after the conversation</p> <p>10 about purchasing Narcan first began was because a Narcan</p> <p>11 policy had to be drafted and approved, and officers had to</p> <p>12 be trained on the storage, use, and reporting of the nasal</p> <p>13 Narcan; is that right?</p> <p>14 MS. ABSTON: Objection, form.</p> <p>15 THE WITNESS: Yes. There were several</p> <p>16 things that needed to be in place -- I remember being told</p> <p>17 several things needed to be in place before we were</p> <p>18 authorized to purchase Narcan and issue it to our</p> <p>19 officers.</p> <p>20 BY MS. WOHL:</p> <p>21 Q. Was there anything in addition to the policy and</p> <p>22 the training?</p> <p>23 A. I -- I -- not that I recall. I do recall those</p> <p>24 two specific things. I don't recall anything else.</p> <p>25 Q. Can you turn to Tab 19 of your binder? This will</p>

<p style="text-align: right;">Page 110</p> <p>1 be our Exhibit 18 -- no, our Exhibit 17. The Bates number 2 is 854759. 3 (Exhibit 17 was marked for identification.) 4 THE WITNESS: Yes. I have it. 5 BY MS. WOHL: 6 Q. Now, this is an e-mail dated August 25th, 2017, 7 from Commander Bond to Mike Simonds and Tim Canas, with 8 the subject: Rough draft of proposed TCSO policy 9 regarding naloxone (Narcan). 10 Do you see that? 11 A. Yes. 12 Q. And then Commander Bond forwarded that e-mail to 13 you and some others. 14 Do you see that? 15 A. Yes. 16 Q. And Commander Bonds wrote in his e-mail to Simons 17 and Canas: Gentlemen, in our effort to purchase and 18 distribute naloxone to our personnel, I have had to seek 19 the approval and sponsorship of the Tarrant County Public 20 Health Medical Director, Dr. Catherine Colquitt, and her 21 board. They will -- they are willing to be the sponsoring 22 medical authority to authorize us to purchase these 23 critical drugs. 24 Do you see that? 25 A. Yes.</p>	<p style="text-align: right;">Page 112</p> <p>1 another documentation requirement. 2 Do you see those? 3 A. I do. 4 Q. And I think you answered this, but I want to make 5 sure now that you're looking at the policy: Do you know 6 where these reports are maintained? 7 A. I do -- 8 MS. ABSTON: Objection, form. 9 THE WITNESS: I -- I do not. They -- I'm 10 not aware of a central database that records this. If 11 it's required in our policy, then the officers would be 12 required to document it, at a minimum, in their incident 13 report or within their call notes when they're on a call. 14 BY MS. WOHL: 15 Q. And do you know if their reports distinguish 16 between the type of use, whether it's overdose versus 17 exposure? 18 A. I don't know. 19 Q. But in your experience, you're not aware of 20 Narcan ever being administered due to exposure; is that 21 right? 22 MS. ABSTON: Objection, form. 23 THE WITNESS: Yes, I have no knowledge if 24 one of our officers have had to have Nar- -- Nar- -- 25 Narcan administered to them.</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. And then in the next paragraph, Commander Bonds 2 goes to: Before she will approve our request, she has 3 asked to see the TCSO's policy on the use of the drug. 4 Obviously, we don't have one. 5 Did I read that correctly? 6 A. Yes. 7 Q. And then he goes on to explain that a policy has 8 been drafted and he is forwarding that for their review, 9 right? 10 A. Yes. 11 Q. So let's go one tab over to Tab 20. This will be 12 Exhibit 18, Bates Number 854760. 13 (Exhibit 18 was marked for identification.) 14 THE WITNESS: Okay, I have. 15 BY MS. WOHL: 16 Q. This appears to be the draft Narcan policy that 17 was attached to Commander Bond's e-mail. 18 Does that sound right? 19 A. Yes. 20 Q. And I want to point out a couple of sections of 21 the draft policy. In three portions -- the draft policy 22 states in three portions that: The use and deployment of 23 Narcan are documented -- are to be documented. And 24 there's one in D5 that ensures pertinent details are 25 documented, E2 reporting, and H2 is the other one I saw,</p>	<p style="text-align: right;">Page 113</p> <p>1 BY MS. WOHL: 2 Q. And do you know whether the reporting -- or the 3 reports identify the suspected overdose drug? 4 MS. ABSTON: Objection, form. 5 THE WITNESS: I -- I don't know. I -- I 6 think it would be -- the average officer probably wouldn't 7 have any knowledge of -- if they did encounter an exposure 8 or a suspected exposure, they wouldn't have any firsthand 9 knowledge of what the exposure was to unless they were 10 there and perhaps an officer was, you know, handling a 11 suspected evid- -- a piece of evidence that may be 12 fentanyl-related and -- and exposure occurred that 13 required first aid. 14 BY MS. WOHL: 15 Q. Let's turn to Tab 22, and this will be our 16 Exhibit 19. 17 (Exhibit 19 was marked for identification.) 18 BY MS. WOHL: 19 Q. Bates Number 854797. 20 A. I have that. 21 Q. Okay. This is an e-mail from Commander Bond 22 dated October 5th, 2017, to Dr. Colquitt and others, 23 including you, forwarding the approved TCSO policy on 24 Narcan. 25 Does that appear correct?</p>

<p style="text-align: right;">Page 114</p> <p>1 A. Yes.</p> <p>2 Q. And Commander Bonds wrote: As you can imagine,</p> <p>3 we would like to get this ordered and issued to our</p> <p>4 personnel ASAP.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. So as of October 5th, 2017, Narcan had yet to be</p> <p>8 purchased and issued to Tarrant County Sheriff's Office;</p> <p>9 is that right?</p> <p>10 MS. ABSTON: Objection, form.</p> <p>11 THE WITNESS: That's what I would gather</p> <p>12 based on this e-mail.</p> <p>13 BY MS. WOHL:</p> <p>14 Q. Let's turn to the next tab, Tab 23. And this is</p> <p>15 Exhibit 20 --</p> <p>16 A. Okay.</p> <p>17 Q. -- Bates Number --</p> <p>18 A. I have it.</p> <p>19 Q. -- sorry -- Bates Number 854798.</p> <p>20 (Exhibit 20 was marked for identification.)</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. WOHL:</p> <p>23 Q. Just to make sure we have everything, does this</p> <p>24 appear to be the approved TCSO Narcan policy?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 116</p> <p>1 something, you'd talk to him, right?</p> <p>2 A. Yes. He's very helpful.</p> <p>3 Q. And Commander Bond says in his e-mail to</p> <p>4 Mr. Grazer -- let me find it -- attached are the first</p> <p>5 Narcan requisitions and a quote from TC purchasing.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. So are you able to discern from this e-mail, or</p> <p>9 do you know independently, is Commander Bond making the</p> <p>10 second purchase of Narcan following the initial purchase</p> <p>11 in 2017?</p> <p>12 MS. ABSTON: Objection, form.</p> <p>13 THE WITNESS: I -- I wouldn't know.</p> <p>14 BY MS. WOHL:</p> <p>15 Q. You don't know if there was an intervening</p> <p>16 purchase between those years?</p> <p>17 MS. ABSTON: Objection, form.</p> <p>18 THE WITNESS: I don't know for sure. I --</p> <p>19 I -- it would make -- I -- I think we had it prior to this</p> <p>20 date, but I -- I don't know for sure.</p> <p>21 BY MS. WOHL:</p> <p>22 Q. When you say you think you had it prior to this</p> <p>23 date, does that mean you think you had already ordered a</p> <p>24 second round of Narcan prior to this date, or you still</p> <p>25 had some from the first purchase?</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. Do you agree that the reporting requirements that</p> <p>2 were present in the draft policy are still there in D5,</p> <p>3 E2, and at H2?</p> <p>4 MS. ABSTON: Objection, form.</p> <p>5 THE WITNESS: Yes, I see that.</p> <p>6 BY MS. WOHL:</p> <p>7 Q. Let's turn to Tab 27. This is our Exhibit 21,</p> <p>8 and the Bates number is 854909.</p> <p>9 (Exhibit 21 was marked for identification.)</p> <p>10 THE WITNESS: Yes, I have that.</p> <p>11 BY MS. WOHL:</p> <p>12 Q. This is a May 22nd, 2019, e-mail from Calvin Bond</p> <p>13 to Scott Grazer. And the bottom e-mail looks like</p> <p>14 Commander Bond is writing to Scott Grazer to order more</p> <p>15 Narcan.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 MS. ABSTON: Objection, form.</p> <p>19 THE WITNESS: I -- I do see that.</p> <p>20 BY MS. WOHL:</p> <p>21 Q. And Commander Bond -- well, let me ask you first:</p> <p>22 Do you know who Scott Grazer is?</p> <p>23 A. I do. He's -- he's the director of our</p> <p>24 accounting department.</p> <p>25 Q. That makes sense. If you want to purchase</p>	<p style="text-align: right;">Page 117</p> <p>1 MS. ABSTON: Objection, form.</p> <p>2 THE WITNESS: You know what? I'm not sure.</p> <p>3 Because the date of this e-mail, I was definitely out at</p> <p>4 our training center, and I know some people in the</p> <p>5 department had Narcan prior to this, and I don't know if</p> <p>6 that was purchased through formal channels or how they</p> <p>7 obtained it.</p> <p>8 BY MS. WOHL:</p> <p>9 Q. Okay. Let's turn to Tab 28. And this is</p> <p>10 Exhibit 22, Bates Number 854910.</p> <p>11 (Exhibit 22 was marked for identification.)</p> <p>12 THE WITNESS: Yes, I have it.</p> <p>13 BY MS. WOHL:</p> <p>14 Q. So this is the purchase order that was attached</p> <p>15 to Commander Bond's e-mail to Mr. Grazer for -- that he</p> <p>16 says is the first Narcan acquisition.</p> <p>17 Does that appear correct?</p> <p>18 MS. ABSTON: Objection, form.</p> <p>19 THE WITNESS: Take a look at the dates here.</p> <p>20 Well, I -- I do remember seeing a</p> <p>21 requisition in the past -- I don't recall the date -- for</p> <p>22 70 -- a 75 quantity of Narcan.</p> <p>23 BY MS. WOHL:</p> <p>24 Q. But does it -- this purchase order coincide with</p> <p>25 your recollection when Tarrant County Sheriff's Office</p>

<p style="text-align: right;">Page 118</p> <p>1 made its first Narcan purchase after the policy was in 2 place, the October 2017 time frame? 3 MS. ABSTON: Objection, form. 4 THE WITNESS: Yes. That would make sense. 5 BY MS. WOHL: 6 Q. And I think you mentioned you did not have an 7 independent memory of the quantity or the dose, but it 8 looks like the purchase was for 75 units of Narcan, 9 4 milligrams. 10 Would you agree with that? 11 MS. ABSTON: Objection, form. 12 THE WITNESS: Yes. Now that I see this, I 13 do remember there being a requisition for 75 doses -- or 14 75 Narcan boxes, or however you want to ex- -- whatever 15 you want to call it. Sorry. 16 BY MS. WOHL: 17 Q. Now having seen this, do you have any other 18 recollection about other purchases of Narcan following the 19 October 2017 date? 20 A. I -- I -- I don't, because it was soon after this 21 that I transferred to the training academy. 22 Q. Let's go to Tab 29. This is our Exhibit 23, and 23 the Bates number is 854911. 24 (Exhibit 23 was marked for identification.) 25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 BY MS. WOHL: 2 Q. And the total cost on this was \$5,625. 3 Do you see that? 4 A. Yes. 5 Q. And in the bottom left box, it states that: The 6 justification is Narcan is needed to provide critical 7 first aid to officers who experience an overdose from 8 fentanyl exposure. 9 Do you see that? 10 A. Yes. 11 Q. Does that -- that match everything that we've 12 talked about in terms of what the primary purpose of 13 carrying Narcan was, fentanyl exposure to officers? 14 A. Yes. 15 MS. ABSTON: Objection, form. 16 BY MS. WOHL: 17 Q. All right. What was your answer to that? 18 A. Yes. 19 Q. Let's go to Tab 26. And this will be Exhibit 24, 20 Bates Number 832591. 21 (Exhibit 24 was marked for identification.) 22 THE WITNESS: I have it. 23 BY MS. WOHL: 24 Q. Okay. This is an e-mail sent to you and Craig 25 Driskell on April 16th, 2019, by Chad Krueger with the</p>
<p style="text-align: right;">Page 119</p> <p>1 BY MS. WOHL: 2 Q. Okay. So does this appear to be the requisition 3 for the first Narcan purchase that was also attached to 4 Commander Bond's e-mail to Mr. Grazer? 5 A. Yes, this is -- 6 MS. ABSTON: Objection, form. 7 THE WITNESS: Yes, this is the document that 8 I think made me remember the 75 doses we ordered. 9 BY MS. WOHL: 10 Q. Okay. And your name is on this as the requestor. 11 Is that a formality, or do you recall making this request? 12 A. No, I -- I would have made the request if my name 13 was on it. 14 Q. Okay. And, again, the date requested, August 28, 15 2017; date needed, September 15, 2017. The purchase order 16 in the previous exhibit was in October 2017. 17 Does this all match your recollection of the 18 very first purchase by your office of Narcan? 19 MS. ABSTON: Objection, form. 20 THE WITNESS: Yes. That would be consistent 21 with the flow of -- for our first discussions about Narcan 22 and then reaching out to the health department and medical 23 examiner just trying to track down how previous Tarrant 24 County offices have purchased Narcan. So this -- this 25 would have been in line with that time frame, yes.</p>	<p style="text-align: right;">Page 121</p> <p>1 subject: Narcan nasal spray. 2 Do you see that? 3 A. Yes. 4 Q. And Mr. Krueger is forwarding an e-mail that he 5 received on October 16th, 2018, regarding a Texas federal 6 grant to supply first responders with Narcan nasal spray. 7 Does that look right? 8 A. Yes. 9 Q. Do you recall receiving this e-mail? 10 A. I do not. 11 Q. Do you recall anything about the Texas grant 12 that's referenced? 13 A. I do remember that -- that the agency received 14 some Narcan, a pretty large order of Narcan that was 15 distributed throughout our departments to different units. 16 I couldn't tell you the exact quantities or -- or where it 17 came from. I -- I do recall them mentioning that the 18 agency got free Narcan from somebody. 19 Q. Do you know when that was? 20 A. I -- I don't remem- -- I don't recall. 21 Q. Would it have been after 2018? 22 MS. ABSTON: Objection, form. 23 THE WITNESS: Most likely, because I believe 24 I was already at the training center when that happened. 25 BY MS. WOHL:</p>

<p style="text-align: right;">Page 122</p> <p>1 Q. And certainly after 2017; otherwise, you-all</p> <p>2 wouldn't have been trying to get your hands on Narcan,</p> <p>3 right?</p> <p>4 MS. ABSTON: Objection, form.</p> <p>5 THE WITNESS: Correct.</p> <p>6 BY MS. WOHL:</p> <p>7 Q. Who is Chad Krueger?</p> <p>8 A. He worked with me at the Tarrant County Training</p> <p>9 Center. He was our training coordinator.</p> <p>10 Q. And you mentioned that you're aware that the</p> <p>11 agency received a large quantity of Narcan for free. But</p> <p>12 just to close the loop: You don't know whether that was</p> <p>13 pursuant to this grant that's referenced?</p> <p>14 A. That's correct.</p> <p>15 MS. ABSTON: Objection, form.</p> <p>16 BY MS. WOHL:</p> <p>17 Q. Let's turn to Tab 17. This is our Exhibit 25,</p> <p>18 Bates Number 706190.</p> <p>19 (Exhibit 25 was marked for identification.)</p> <p>20 THE WITNESS: Yes, I have that.</p> <p>21 BY MS. WOHL:</p> <p>22 Q. Okay. The bottom e-mail is an August 17, 2020,</p> <p>23 e-mail with the subject: Narcan for law enforcement.</p> <p>24 It's a forward. And it discusses a statewide naloxone</p> <p>25 distribution project that allows entities to apply for</p>	<p style="text-align: right;">Page 124</p> <p>1 Sheriff's Officer Chief of Staff David McClelland to a</p> <p>2 list of recipients. And you're not on this recipient list</p> <p>3 of that e-mail, but eventually the e-mail is forwarded to</p> <p>4 your attention above.</p> <p>5 Do you see that?</p> <p>6 A. Yeah, I -- I see the e-mail you're referencing on</p> <p>7 the screen.</p> <p>8 Q. And there's an e-mail forwarding this to you from</p> <p>9 Craig Driskell asking: Do either of you have any expenses</p> <p>10 related to the opioid epidemic?</p> <p>11 Do you see that question?</p> <p>12 A. Yes.</p> <p>13 Q. Now, did you have an understanding at this point</p> <p>14 in 2018 that this inquiry in the opioid epidemic was</p> <p>15 pertaining to the civil litigation about the impact of</p> <p>16 prescription opioids?</p> <p>17 MS. ABSTON: Objection, form.</p> <p>18 THE WITNESS: No, I -- I didn't make that</p> <p>19 connection, or I don't know if -- if that was the purpose</p> <p>20 behind the e-mail.</p> <p>21 BY MS. WOHL:</p> <p>22 Q. You're included in the top two e-mails, and those</p> <p>23 concern attempting to get some hard cost data for Narcan.</p> <p>24 Do you see those questions or inquiries?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 123</p> <p>1 free Narcan through the State of Texas.</p> <p>2 Do you see that?</p> <p>3 MS. ABSTON: Objection, form.</p> <p>4 THE WITNESS: I'm -- I'm sorry. Where in</p> <p>5 the document are you referring to?</p> <p>6 BY MS. WOHL:</p> <p>7 Q. The last page. It looks like it was forwarded to</p> <p>8 a lot of people, but then the content of the forward was</p> <p>9 about: Free Narcan to Texas entities.</p> <p>10 A. Okay. Yes, I see that.</p> <p>11 Q. Do you recall receiving this e-mail?</p> <p>12 A. I don't.</p> <p>13 Q. And do you know if the quantities of free Narcan</p> <p>14 that the sheriff's office got was pursuant to this program</p> <p>15 that's referenced in the e-mail?</p> <p>16 MS. ABSTON: Objection, form.</p> <p>17 THE WITNESS: I do not know that.</p> <p>18 BY MS. WOHL:</p> <p>19 Q. Let's go to Tab 24. And this is our Exhibit 26,</p> <p>20 Bates Number 893307.</p> <p>21 (Exhibit 26 was marked for identification.)</p> <p>22 THE WITNESS: I have it.</p> <p>23 BY MS. WOHL:</p> <p>24 Q. So the bottom e-mail in this chain is dated</p> <p>25 December 13th, 2018, and it was sent by Tarrant County</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. And Craig Driskell is looking to you for costs</p> <p>2 for the purchase of Narcan kits to provide to McClelland</p> <p>3 to, in turn, to provide to the civil attorneys as expenses</p> <p>4 related to the opioid epidemic. And that's on the last</p> <p>5 page of the exhibit, the McClelland e-mail.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 MS. ABSTON: Objection, form.</p> <p>9 THE WITNESS: Yes, I do see that.</p> <p>10 BY MS. WOHL:</p> <p>11 Q. And as we said earlier, the opioid epidemic</p> <p>12 within the context of the opioid litigation concerns the</p> <p>13 impact of prescription opioids; is that right?</p> <p>14 MS. ABSTON: Objection, form.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. WOHL:</p> <p>17 Q. And are you aware whether or not the costs for</p> <p>18 Narcan kits were ever tracked to the type of opioid that</p> <p>19 they were to be used for?</p> <p>20 A. No.</p> <p>21 Q. Do you have an opinion whether the hard costs for</p> <p>22 the kits that were ordered can be directly attributed to</p> <p>23 the impact of prescription opioids?</p> <p>24 MS. ABSTON: Objection, form.</p> <p>25 THE WITNESS: I -- I -- I wouldn't be able</p>



<p style="text-align: right;">Page 126</p> <p>1 to say that specifically, because when we're talking about  2 acquiring Narcan for use in a medical intervention, I  3 mean, if you overdose on an opiate, it -- it's not going  4 to distinguish whether that's a clandestine-created opiate  5 element or something that was, you know, legitimately  6 purchased from a pharmacy.  7 BY MS. WOHL:  8 Q. Let's go to Tab 25. That's where we were, isn't  9 it -- hold on. No, Tab 25. We were on 24. This is our  10 Exhibit 27, and it's Bates Number 893309.  11 (Exhibit 27 was marked for identification.)  12 THE WITNESS: Yes, I have that.  13 BY MS. WOHL:  14 Q. And we've seen this. Just to close the loop:  15 This is the original requisition for Narcan that you sent  16 to Driskell and McClelland as part of that response for  17 Narcan acquisition costs; is that right?  18 MS. ABSTON: Objection, form.  19 THE WITNESS: Yes.  20 BY MS. WOHL:  21 Q. And at the time of the e-mail that's in Tab 24,  22 December 13th, 2018, the sheriff's office had not made an  23 additional purchase for Narcan; is that correct?  24 MS. ABSTON: Objection, form.  25 THE WITNESS: Not to my knowledge.</p>	<p style="text-align: right;">Page 128</p> <p>1 that. And I had meetings with local police chiefs. I was  2 trying to get them interested in sending one of their  3 officers to join our task force as a task force officer.  4 And some of the agencies, Dalworthington,  5 for example, when I spoke with their chief, I was -- I was  6 requesting that they assign an officer over to our task  7 force. He told me they didn't have an officer who could  8 respond -- who -- who he could assign over there because  9 they were short-staffed.  10 And generally, when I would talk with a  11 police chief and they would tell me they couldn't send  12 anybody, I -- I still freely offered our CNET resources to  13 assist them with their community drug enforcement efforts.  14 And in exchange, I would kind of say to them: Well, hey,  15 is there anything you can do to help us out?  16 And then I realized that they were -- their  17 department has -- is a public safety department, so  18 they're trained in law enforcement and fire, and I asked  19 if his agency -- he asked me if he can ever help us, to  20 let us know. And I said: Would you be willing to do a  21 tactical first aid class for our task force officers, and  22 they agreed and that took place at their agency.  23 BY MS. WOHL:  24 Q. And that included Narcan training as well as some  25 other first aid?</p>
<p style="text-align: right;">Page 127</p> <p>1 BY MS. WOHL:  2 Q. And you also state to McClelland and Driskell  3 that there has been no training costs associated with  4 Narcan; is that right?  5 MS. ABSTON: Objection, form.  6 THE WITNESS: Yes, as far as I knew, from --  7 from my experience with dealing with Narcan in our agency,  8 that's correct. We did receive some training, but I  9 arranged to have the training done for free to some of our  10 officers.  11 BY MS. WOHL:  12 Q. Who was the training with?  13 A. It was with a -- I'd have to look -- it was with  14 Dalworthington Gardens Police Department. It was one of  15 their medics who -- who do medical training for first  16 responders, police and fire.  17 Q. Was this an ongoing training, or was this just  18 before the first purchase of Narcan?  19 MS. ABSTON: Objection, form.  20 THE WITNESS: At -- at the time, it was just  21 a one-time training. So when I was in CNET, I was trying  22 to make sure that all our officers had current tactical  23 and tactical medic training, not -- not a certification,  24 just training for basic things, like tourniquet  25 application, chest seals, packing wounds, things like</p>	<p style="text-align: right;">Page 129</p> <p>1 A. That was part of it, correct.  2 Q. Had there been any --  3 (Simultaneously speaking.)  4 A. But it was free.  5 Q. Have there been additional trainings that  6 included Narcan training?  7 MS. ABSTON: Objection, form.  8 THE WITNESS: We -- we have, as a -- the --  9 now that I was assigned after the training academy, I know  10 the importance of tactical medic training, so I tried to  11 implement that into our training curriculum and offer that  12 to our officers as often as possible. We have a -- we had  13 an officer at the time -- he's no longer there, it's a new  14 officer -- but we have an officer that's embedded with the  15 Fort Worth Police Department Tactual Medic Unit. And so  16 he's our tactical medic, so -- and that's kind of a joint  17 partnership.  18 But they often would come to our training  19 academy -- well, let me -- let me rephrase that. I would  20 re- -- often request that they come to our training  21 academy and put on this type of tourniquet, first-aid,  22 CPR, AED, Narcan training for our officers. They didn't  23 always come. They were generally busy. But they -- they  24 have come on occasion and provided that training free  25 of -- free of charge to our officers.</p>

<p style="text-align: right;">Page 130</p> <p>1 BY MS. WOHL:</p> <p>2 Q. We can close the exhibit binder for now.</p> <p>3 Captain Heckman, do you have an</p> <p>4 understanding of what a pill mill is?</p> <p>5 A. From an investigative standpoint, a pill mill</p> <p>6 is -- is basically a clandestine pill-manufacturing</p> <p>7 operation, and they generally have some type of pill press</p> <p>8 or pill stamp or -- or die, as they call it, and it's a</p> <p>9 clandestine pill-manufacturing operation.</p> <p>10 Q. You know, through other witnesses, I've heard</p> <p>11 that term also apply to one-stop-shop doctor or pharmacy</p> <p>12 organizations where people get prescription opioids.</p> <p>13 Is that not a term that you would use for</p> <p>14 that situation?</p> <p>15 MS. ABSTON: Objection, form.</p> <p>16 THE WITNESS: I have not used it in that</p> <p>17 context. I could see where someone might refer to it in</p> <p>18 that way.</p> <p>19 BY MS. WOHL:</p> <p>20 Q. Have you ever heard of independent pharmacies</p> <p>21 being called a pill mill?</p> <p>22 A. So just for clarification, when you're talking</p> <p>23 about independent pharmacies, is this pharmacies that</p> <p>24 are -- that do not have chain pharmacies, that have</p> <p>25 multiple locations, or just --</p>	<p style="text-align: right;">Page 132</p> <p>1 with any investigations directly involving the dark web.</p> <p>2 BY MS. WOHL:</p> <p>3 Q. Have you heard of it or heard of investigations</p> <p>4 being done involving the dark web and drug -- drug</p> <p>5 diversion specifically?</p> <p>6 A. Yes.</p> <p>7 Q. Are you aware of any Kroger or Albertsons</p> <p>8 pharmacy being investigated by Tarrant County Sheriff's</p> <p>9 Office for anything?</p> <p>10 MS. ABSTON: Objection, form.</p> <p>11 THE WITNESS: No.</p> <p>12 BY MS. WOHL:</p> <p>13 Q. Are you aware of any Kroger or Albertsons</p> <p>14 pharmacist being investigated by the Tarrant County</p> <p>15 Sheriff's Office for anything?</p> <p>16 MS. ABSTON: Objection, form.</p> <p>17 THE WITNESS: No.</p> <p>18 BY MS. WOHL:</p> <p>19 Q. Are you aware of any Kroger or Albertsons</p> <p>20 pharmacy being investigated by the Texoma HIDTA task</p> <p>21 force?</p> <p>22 MS. ABSTON: Objection, form.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MS. WOHL:</p> <p>25 Q. Are you aware of Kroger or Albertsons pharmacist</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. That's correct. The smaller community pharmacies</p> <p>2 that you see in the news a little bit more often about</p> <p>3 getting shut down, I guess.</p> <p>4 MS. ABSTON: Objection, form.</p> <p>5 THE WITNESS: I don't recall -- I don't</p> <p>6 remember referencing such a pharmacy as a pill mill.</p> <p>7 BY MS. WOHL:</p> <p>8 Q. In your experience, have you ever investigated a</p> <p>9 pharmacy as part of a narcotics diversion investigation?</p> <p>10 A. I have not.</p> <p>11 Q. In your experience in CNET and narcotics unit, is</p> <p>12 it possible for a prescription opioid to be legitimate and</p> <p>13 legally dispensed and then diverted after it was dispensed</p> <p>14 legally?</p> <p>15 A. Yes.</p> <p>16 Q. In your law enforcement experience, have you</p> <p>17 heard of other diversion methods, including fraudulent</p> <p>18 prescriptions, pharmacy theft, employee theft, robberies?</p> <p>19 MS. ABSTON: Objection, form.</p> <p>20 THE WITNESS: Yes, I've heard of that.</p> <p>21 BY MS. WOHL:</p> <p>22 Q. And what about the dark web drug marketplace,</p> <p>23 have you done any investigations that include that?</p> <p>24 MS. ABSTON: Objection, form.</p> <p>25 THE WITNESS: I have not been associated</p>	<p style="text-align: right;">Page 133</p> <p>1 being investigated by the Texoma HIDTA task force?</p> <p>2 MS. ABSTON: Objection, form.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MS. WOHL:</p> <p>5 Q. Is there a substance currently that you would</p> <p>6 consider to be the greatest threat to Tarrant County?</p> <p>7 MS. ABSTON: Objection, form.</p> <p>8 THE WITNESS: You know, I've been out of the</p> <p>9 narcotic game for about five years, so I -- I couldn't</p> <p>10 speculate on that currently. All I would know is what</p> <p>11 I've heard in the news.</p> <p>12 BY MS. WOHL:</p> <p>13 Q. Do you have any opinions as to whether Kroger or</p> <p>14 Albertsons are responsible for opioid overdose, addiction,</p> <p>15 or abuse in Tarrant County?</p> <p>16 MS. ABSTON: Objection, form.</p> <p>17 THE WITNESS: No.</p> <p>18 BY MS. WOHL:</p> <p>19 Q. Have you been involved in or been aware of any</p> <p>20 investigations of diverted prescription opioids where the</p> <p>21 prescription opioids were dispensed originally from a</p> <p>22 Kroger or an Albertsons pharmacy?</p> <p>23 A. No.</p> <p>24 MS. WOHL: Can we go off the record and take</p> <p>25 a break?</p>

<p style="text-align: right;">Page 134</p> <p>1 MS. ABSTON: Uh-huh.</p> <p>2 THE VIDEOGRAPHER: Time is 1:32 p.m. We are</p> <p>3 off the record.</p> <p>4 (Brief recess taken.)</p> <p>5 THE VIDEOGRAPHER: The time is 1:45 p.m. We</p> <p>6 are on the record.</p> <p>7 BY MS. WOHL:</p> <p>8 Q. Captain Heckman, I have one more question for</p> <p>9 you, and that is: Are you planning to testify at the</p> <p>10 trial of this case?</p> <p>11 MS. ABSTON: Objection, form.</p> <p>12 THE WITNESS: I have not been asked that or</p> <p>13 told that.</p> <p>14 MS. WOHL: No further questions. I will</p> <p>15 reserve my right to reopen the deposition pending review</p> <p>16 of the personnel file that was produced this morning.</p> <p>17 MS. ABSTON: Before I address that. Does</p> <p>18 Albertsons have any questions?</p> <p>19 MS. STEWART: Albertsons does not have any</p> <p>20 questions at this time.</p> <p>21 MS. ABSTON: Okay. So I'll -- I'll note for</p> <p>22 the record that we're willing to keep the witness -- it's</p> <p>23 1:45 p.m. and we're willing to keep the witness as long as</p> <p>24 necessary in order to allow the defendants to review the</p> <p>25 personnel file, and they've chosen or stated that they</p>	<p style="text-align: right;">Page 136</p> <p>1 THE VIDEOGRAPHER: Okay. The time is 1:50</p> <p>2 p.m. We are off the record.</p> <p>3 (Deposition concluded at 1:50 p.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 135</p> <p>1 would be unable to review the personnel file and -- and</p> <p>2 address it today, so -- we've had -- I think there's</p> <p>3 multiple hours before we could conclude, but I just wanted</p> <p>4 to note that for the record. So for any comments about</p> <p>5 reopening the deposition, there appears to be some time</p> <p>6 left end of day and the court reporter appears to be</p> <p>7 available.</p> <p>8 And also, I just want to thank you Captain</p> <p>9 for you service to Tarrant County, and we appreciate your</p> <p>10 time today. Let me -- let me go off record for one more</p> <p>11 minute and I'll be right back.</p> <p>12 If that sounded good with everyone.</p> <p>13 THE VIDEOGRAPHER: The time -- the time is</p> <p>14 1:47 p.m. We are off the record.</p> <p>15 (Brief recess taken.)</p> <p>16 THE VIDEOGRAPHER: The time is 1:50 p.m. We</p> <p>17 are on the record.</p> <p>18 MS. ABSTON: Okay. The plaintiffs have no</p> <p>19 questions. And once again, we want to thank you, Captain,</p> <p>20 for your time today and for your service to Tarrant</p> <p>21 County.</p> <p>22 THE WITNESS: Of course. I appreciate you</p> <p>23 saying that.</p> <p>24 THE VIDEOGRAPHER: Anyone else?</p> <p>25 (No responses.)</p>	<p style="text-align: right;">Page 137</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF OHIO</p> <p>3 EASTERN DIVISION</p> <p>4 IN RE: NATIONAL PRESCRIPTION ) MDL No. 2804</p> <p>5 OPIATE LITIGATION )</p> <p>6 )</p> <p>7 )</p> <p>8 )</p> <p>9 THIS DOCUMENT RELATES TO: )</p> <p>10 Track Nine: Tarrant County, ) Case No.: 17-md-2804</p> <p>11 Texas )</p> <p>12 )</p> <p>13 )</p> <p>14 (Case No. 1:18-op-45274-DAP) ) Judge Dan Aaron Polster</p> <p>15 )</p> <p>16 )</p> <p>17 )</p> <p>18 )</p> <p>19 )</p> <p>20 )</p> <p>21 )</p> <p>22 )</p> <p>23 )</p> <p>24 )</p> <p>25 )</p>



<p style="text-align: right;">Page 138</p> <p>1 Veritext Legal Solutions 1100 Superior Ave 2 Suite 1820 3 Cleveland, Ohio 44114 4 Phone: 216-523-1313 5 6 September 13, 2023 7 8 To: Sadie Turner, Esq. 9 10 Case Name: National Prescription Opiate Litigation - 11 Track 9 (Tarrant County) 12 Veritext Reference Number: 6055188 13 Witness: Floyd Heckman Deposition Date: 8/24/2023 14 15 Dear Sir/Madam: 16 17 Enclosed please find a deposition transcript. Please have the witness 18 review the transcript and note any changes or corrections on the 19 included errata sheet, indicating the page, line number, change, and 20 the reason for the change. Have the witness' signature notarized and 21 forward the completed page(s) back to us at the Production address 22 shown 23 above, or email to production-midwest@veritext.com. 24 25 If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.  Sincerely,  Production Department  NO NOTARY REQUIRED IN CA</p>	<p style="text-align: right;">Page 140</p> <p>1 DEPOSITION REVIEW 2 CERTIFICATION OF WITNESS 3 4 ASSIGNMENT REFERENCE NO: 6055188 5 CASE NAME: National Prescription Opiate Litigation - Track 9 (Tarrant County) 6 DATE OF DEPOSITION: 8/24/2023 7 WITNESS' NAME: Floyd Heckman 8 In accordance with the Rules of Civil 9 Procedure, I have read the entire transcript of 10 my testimony or it has been read to me. 11 I have listed my changes on the attached 12 Errata Sheet, listing page and line numbers as 13 well as the reason(s) for the change(s). 14 I request that these changes be entered 15 as part of the record of my testimony. 16 17 I have executed the Errata Sheet, as well 18 as this Certificate, and request and authorize 19 that both be appended to the transcript of my 20 testimony and be incorporated therein. 21 22 _____ 23 Date Floyd Heckman 24 25 Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that: They have read the transcript; They have listed all of their corrections in the appended Errata Sheet; They signed the foregoing Sworn Statement; and Their execution of this Statement is of their free act and deed. I have affixed my name and official seal this _____ day of _____, 20____. _____ Notary Public _____ Commission Expiration Date</p>
<p style="text-align: right;">Page 139</p> <p>1 DEPOSITION REVIEW 2 CERTIFICATION OF WITNESS 3 4 ASSIGNMENT REFERENCE NO: 6055188 5 CASE NAME: National Prescription Opiate Litigation - Track 9 (Tarrant County) 6 DATE OF DEPOSITION: 8/24/2023 7 WITNESS' NAME: Floyd Heckman 8 In accordance with the Rules of Civil 9 Procedure, I have read the entire transcript of 10 my testimony or it has been read to me. 11 I have made no changes to the testimony 12 as transcribed by the court reporter. 13 14 _____ 15 Date Floyd Heckman 16 Sworn to and subscribed before me, a 17 Notary Public in and for the State and County, 18 the referenced witness did personally appear 19 and acknowledge that: 20 They have read the transcript; 21 They signed the foregoing Sworn 22 Statement; and 23 Their execution of this Statement is of 24 their free act and deed. 25 I have affixed my name and official seal this _____ day of _____, 20____. _____ Notary Public _____ Commission Expiration Date</p>	<p style="text-align: right;">Page 141</p> <p>1 ERRATA SHEET 2 VERITEXT LEGAL SOLUTIONS MIDWEST 3 ASSIGNMENT NO: 6055188 4 PAGE/LINE(S) / CHANGE /REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 Date Floyd Heckman 22 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ 23 DAY OF _____, 20____. 24 _____ 25 Notary Public _____ Commission Expiration Date</p>